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IRS: TIGTA UPDATE

Thursday, February 26, 2015

House of Representatives,

Committee on Oversight and Government Reform,

Washington, D.C.

The committee met, pursuant to call, at 7:40 p.m., in Room 2154, Rayburn House Office Building, Hon. Jason Chaffetz [chairman of the committee] presiding.

Present: Representatives Chaffetz, Mica, Jordan, Walberg, Amash, DesJarlais, Gowdy, Farenthold, Massie, Meadows, DeSantis, Mulvaney, Buck, Walker, Hice, Carter, Grothman, Hurd, Palmer, Cummings, Maloney, Lynch, Connolly, Cartwright, Duckworth, Kelly, Lawrence, Lieu, Plaskett, DeSaulnier, Boyle, and Lujan Grisham.

Chairman Chaffetz. The Committee on Oversight and Government Reform will come to order.

Without objection, the chair is authorized to declare a recess at any time.

The Internal Revenue Service, the IRS -- perhaps no other agency, no other institution in our government causes more fear, more concern, more distress, or outright panic at the mere mention of their name than the IRS.

Entanglement with the IRS is never good. Most Americans work hard, pay their taxes, and just want to live a life free of harassment. And most of the IRS employees are good, decent, hardworking, patriotic people doing a tough job working for the government and are honest in their dealings, but, unfortunately, not all of them.

Nearly 2 years ago, the Treasury Inspector General for Tax Administration, often referred to as "TIGTA," did an audit that confirmed what many on this committee had feared and heard: The IRS was targeting and delaying the applications for 501(c)(4) status of conservative nonprofit organizations because of their political beliefs.

The IRS was on the lookout for applications that focused on the national debt, quote, "criticized how the country was run," end quote, or that sought to educate the public on how to, quote, "make America a better place to live," unquote.

These were conservatives trying to play by the rules, but some in the IRS didn't want them in the game. They didn't even want them

to have a voice.

When it was first revealed that the IRS was targeting Americans and suppressing their First Amendment rights because of their political beliefs, President Obama said this, quote: "If, in fact, IRS personnel engaged in the kind of practices that have been reported on and were intentionally targeting conservative groups, then that's outrageous and there's no place for it. And they have to be held fully accountable, because the IRS, as an independent agency, requires absolute integrity, and the people have to have confidence that they are applying the laws in a nonpartisan way," end quote.

I agree with the President. He was absolutely and totally right.

But sometime right before the Super Bowl rolled around, before any of the investigations were complete, the President concluded there was, quote, "not even a smidgen of corruption," end quote. I have no idea how the President came to such a definitive conclusion without all the facts, but he obviously sent a signal as to how he would like this to be concluded.

On the one hand, the President has come to a conclusion, and, on the other hand, there's an ongoing investigation by the Inspector General and the Department of Justice.

But Congress has a role. As the new chairman of the committee, I thought it would be appropriate to get an update on the investigation from the Inspector General. I want us to focus on the facts, wherever they may lead us.

And, thus far, the IRS, and specifically its commissioner, has

given us a lot of different answers to some fairly simple questions.

The Oversight Committee subpoenaed the IRS in August of 2013 seeking emails from Lois Lerner as well as others involved in the targeting. Months later, we did not have all the Lois Lerner emails. In an Oversight hearing on March 26, 2014, Commissioner Koskinen testified under oath that he had all the emails and he would produce all the emails.

Yet, on June 13, 2014, the IRS sent a letter to the Senate Finance stating a multiyear tranche of Lois Lerner's emails had been destroyed. A June 13, 2014, letter sent to Senate Finance said, quote, "IRS confirmed the backup tapes from 2011 no longer exist because they've been recycled pursuant to the IRS normal policy," end quote.

June 20, 2014, before Ways and Means, Chairman Camp said, quote, "Your letter describes the Lois Lerner emails as being unrecoverable," end quote. Commissioner Koskinen: quote, "Correct," end quote.

February 11, 2015, in an Oversight hearing, Mr. DeSantis of Florida says, quote, "You made the effort. You were not cavalier about this. You made the effort to find what the committee wanted," end quote. Mr. Koskinen: quote, "Yes," end quote.

The IRS Commissioner has said they went to, quote, "great lengths" and made extraordinary efforts to recover the emails. This is but a small sampling of the Commissioner's definitive and precise statements about the missing emails. Yet I believe what we will hear this evening is far different than we were led to believe.

To the men and women in the Inspector General office, we cannot

thank you enough for your hard work, the long days that you're working to get the information to the American public and for this committee.

We look ultimately to reading the final report, but it is appropriate to give an update today, and so we appreciate you being here.

With that, I will yield back and recognize the gentleman from Maryland, the ranking member, Mr. Cummings.

[Prepared statement of Chairman Chaffetz follows:]

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Mr. Cummings. Thank you very much, Mr. Chairman.

I want to take a moment to commend you for the way the committee has been running since you became chairman. You have shown tremendous respect for our side, and I really appreciate that. And that goes not only for you but your staff, and I appreciate everything that they've done to work with us. Everyone notices the more collegial and collaborative atmosphere on our committee, and that is due to your efforts and the tone you have set.

Mr. Chairman, there are certainly issues we're going to disagree on, and today's hearing is one of those issues. But we take your words to heart, and we will disagree without being disagreeable.

With respect to today's hearing, I believe it is premature. Two days ago, Mr. Camus, who will be testifying in a few moments with the Inspector General, told our staff, said their investigation is not finished, that their report is not done, and that they will not be able to fully answer many of the questions Members have at this time.

He provided our staffs with some information about the status of their efforts to recover additional emails from Ms. Lerner, but he cautioned us not to discuss those details publicly while their investigation's still ongoing. Based on this request, it seems that the best course of action would be to have the Inspector General come back when his report is complete so that we can discuss it fully.

Nevertheless, since we are here, I will make just three points.

First, according to the Inspector General's previous work, the emails that were lost when Ms. Lerner's hard drive crashed were from

before Ms. Lerner discovered that inappropriate criteria was being used by IRS employees in Cincinnati. Ms. Lerner's computer crashed on June 13, 2011, but she was not informed until June 29, 2011, that IRS employees were using inappropriate criteria to screen tax-exempt applicants.

That is according to a report issued by the Inspector General in May of 2013, more than a year and a half ago. According to the same report, after Ms. Lerner discovered what was going on, she, and I quote, "immediately directed that the criteria be changed," end of quote.

Second, the Inspector General has identified no evidence to us that the White House directed this activity. Despite many claims by Republicans, there is simply no evidence after nearly 2 years of investigating to support this wholly unsubstantiated conspiracy theory.

Third, the Inspector General has identified no evidence to us that Ms. Lerner intentionally crashed her computer. To the contrary, all of the evidence we have obtained, including contemporaneous emails sent at the time, indicates that her computer crashed due to technological problems. And nothing we have learned since the Inspector General issued his previous report contradicts these findings.

We have also learned nothing since that time to contradict the account of the self-described, quote, "conservative Republican," end of quote, screening group manager in Cincinnati, who was interviewed by this committee on June 6, 2013. He stated that he and his employees were motivated only by a desire to efficiently group a large number

of similar cases rather than by any political bias.

Let me conclude by putting some additional facts on the record.

Today's hearing is the 21st hearing our committee has held on these issues. This is the fourth time the Inspector General has testified before us on this subject. The Commissioner of the IRS, Mr. Koskinen, has testified before us six times on these topics, not counting many additional appearances before other committees.

This committee has conducted more than 50 transcribed witness interviews on these issues. The IRS has produced more than 1 million pages of documents on this topic. At its peak, the IRS had more than 250 employees responding to these inquiries, and they dedicated more than 150,000 hours of work effort to address our concerns.

At the end of last year, the IRS reported spending approximately \$20 million responding to congressional inquiries. Twenty million dollars is an enormous amount of money. That total does not include the amounts we've spent here on this committee. It does not include the amounts numerous other committees have been spent.

And so I conclude by saying it does not include the amounts other agencies have spent, including Department of Justice, the Federal Elections Commission, or the Securities and Exchange Commission. And it does not include the amounts the Inspector General has spent and continues to spend to this day.

Going forward, it is my sincere hope that we will work in a bipartisan manner on hearings that further our shared goals of benefiting the American people.

And, with that, I yield back.

Chairman Chaffetz. Thank you.

[Prepared statement of Mr. Cummings follows:]

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Chairman Chaffetz. I'll hold the record open for 5 legislative days for any Member who would like to submit a written statement.

[The information follows:]

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Chairman Chaffetz. We'll now recognize our panel of witnesses. We're pleased to welcome the Honorable J. Russell George, Inspector General at the Treasury Inspector General for Tax Administration; and Mr. Tim Camus, Deputy Inspector General for Investigations with the Treasury Inspector General for Tax Administration.

We welcome you both.

Pursuant to committee rules, all witnesses will be sworn before they testify. If will please rise about raise your right hands.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Thank you. You may be seated.

Let the record reflect that all witnesses answered in the affirmative.

We understand you may have one statement, as opposed to two 5-minutes, so we'll be very generous on your time. Feel free to take as much time as you need to make this -- understanding that there will be one opening statement.

Mr. George. Well, actually, I have a very brief opening statement and then will defer to Mr. Camus.

Chairman Chaffetz. Very good. Please proceed.

STATEMENTS OF THE HON. J. RUSSELL GEORGE, INSPECTOR GENERAL, TREASURY
INSPECTOR GENERAL FOR TAX ADMINISTRATION; AND TIMOTHY P. CAMUS, DEPUTY
INSPECTOR GENERAL FOR INVESTIGATIONS, TREASURY INSPECTOR GENERAL FOR
TAX ADMINISTRATION

STATEMENT OF THE HON. J. RUSSELL GEORGE

Mr. George. Chairman Chaffetz, Ranking Member Cummings, members of the committee, at the committee's request, we're here to discuss the progress of our efforts to recover former IRS Exempt Organizations Unit Director Lois Lerner's missing emails.

With me, again, is Deputy Inspector General for Investigations Tim Camus, who is leading TIGTA's efforts into this matter, which was requested by the Senate Finance Committee.

Our objective this evening is to provide you with as much information as possible on the progress of our email recovery efforts without compromising the integrity of our ongoing investigation into the circumstances surrounding the IRS's losses of data and hard-drive crashes.

Tonight's testimony is a snapshot of what we know today. Given an email recovery undertaking such as this, it is important to note that the facts and status may frequently change as we perform further analysis of data and conduct additional interviews.

As a result, I ask that you understand that our testimony this

evening is a progress report. We have not reached any conclusions, and the information we provide today may, in fact, change before we complete our ongoing investigation.

And, with that, I will now turn to Mr. Camus to provide a detailed discussion on the progress of our search for the missing emails.

Chairman Chaffetz. Thank you.

[Prepared statement of Mr. George follows:]

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Chairman Chaffetz. Mr. Camus?

STATEMENT OF TIMOTHY P. CAMUS

Mr. Camus. Chairman Chaffetz, Ranking Member Cummings, and members of the full committee, I've been requested to come here today to provide an update on my agency's efforts thus far in attempting to recover the missing emails of former IRS employee Lois Lerner.

On June 13, 2014, in a letter to the Senate Finance Committee, the IRS reported that, as it was completing its document production for Congress concerning allegations that the IRS targeted certain 501(c)(4) applicants, the IRS realized that the production of the emails of Lois Lerner, the former Director of IRS Exempt Organizations Division, had gaps in the email production.

The IRS reported that, in its attempt to find missing emails, they realized that in June 2011 Ms. Lerner's IRS laptop computer suffered a hard-drive crash, and, therefore, some of her emails could not be recovered.

The following Monday, on June 16, 2014, TIGTA initiated an investigation into the circumstances surrounding the missing emails and the hard-drive crash.

One week later, on June 23, 2014, TIGTA received a letter from then-Chairman Ron Wyden and then-Ranking Member Orrin Hatch of the Senate Finance Committee that requested TIGTA to formally investigate the matter, including to, quote, "perform its own analysis of whether

any data can be salvaged and produced to the committee," unquote.

The circumstances surrounding the loss of data, the hard-drive crash, and the manner in which IRS handled its electronic media are still under investigation. However, we have periodically updated certain committees of Congress, including this committee, concerning our progress in recovering emails. But we have not discussed the investigation itself.

There are two parts of our mission here. One part is attempting to recover the emails, and the second part is to investigate the circumstances surrounding the missing email.

Until the investigation is completed, the facts and circumstances as we understand them can and have changed on a daily basis. To avoid speculating and reaching conclusions that later turn out to be false, as investigators, we avoid drawing any conclusions until all of the facts are in. I owe it to the American people to ensure that we continue to thoroughly and impartially investigate this matter, gathering all of the facts and evidence in order to get to the truth.

That said, at this time, I cannot provide any information on the investigation surrounding the IRS's loss of the data and hard-drive crash, as that could negatively impact our ability to complete the investigation as well as raise questions into the integrity of our investigative process. But, at this time, I will provide a progress report on our efforts to recover missing emails.

The IRS manages its email for its 91,000 employees by routing the email through Microsoft Exchange Servers that are backed up

periodically using backup tapes. These Microsoft Exchange Servers, or also referred to as email servers, are comprised of hundreds of hard drives that are placed into server racks.

Up until May 2011, the email server that handled Lois Lerner's email traffic was located in New Carrollton, Maryland, Federal Building. During 2011, the IRS migrated from the email server at New Carrollton to a new email server located at the IRS's Martinsburg, West Virginia, Computing Center.

After the IRS migrated its email system to Martinsburg, the IRS turned off the email server at New Carrollton. However, the server was left in place, possibly as a precautionary measure should the new email servers at Martinsburg fail. IRS employees reported that the New Carrollton email server hard drives were later removed from the server, erased, and destroyed.

On June 30, 2014, TIGTA demanded that the IRS provide all backup tapes used to back up Ms. Lerner's IRS email account -- specifically, all backup tapes used for emails during the time period of January 1, 2008, through December 31, 2011. These date ranges were selected to ensure that we obtained any overlap emails or accounted for midyear equipment changes.

As a result of this demand, on July 1, 2014, the IRS identified the 744 backup tapes that met this criterion, and TIGTA took possession of all of the identified 744 backup tapes.

With regard to 9 of the 744 backup tapes, based on how they were configured in the backup machine, the IRS was unable to determine the

dates they were used. Because of this, IRS technicians believed it was possible that these nine tapes had been untouched for years and, thus, could contain clear data relevant to the investigation.

Because TIGTA did not have the unique and necessary hardware, these nine tapes were provided to the Federal Bureau of Investigation in order to determine if the tapes contained any data and, if they did, to retrieve it. After the FBI analyzed the nine tapes and validated their equipment by reviewing other random backup tapes, they reported their equipment was functioning properly and they reported the nine tapes were, in fact, blank.

TIGTA then provided those same nine tapes to a recognized industry leader on electronic data recovery, and they confirmed the nine tapes were, in fact, blank.

After confirming these initial 9 tapes were blank and fearing that the remaining 735 tapes were overwritten, TIGTA interviewed the IRS email expert and identified the specific backup tapes that would have contained the earliest copies of Lois Lerner's email box.

The backup tapes consisted of five sets of tapes. These five backup sets were created sequential weeks from November 20, 2012, through December 25 of 2012. The five backup sets were expected to produce a total of five separate copies of Lois Lerner's email boxes or one copy for each week of the backup.

We hand-carried three of the five sets of these backup tapes to the industry expert for data recovery and extraction, and, after their examination and extraction of data, they provided TIGTA with the

Exchange database files from this set of tapes.

On November 13 of 2014, TIGTA searched the database files and identified the first Lois Lerner email box. This email box contained Lois Lerner emails that date back as far as 2001. The result of this effort validated that the tapes have not been overwritten, and they contained emails that are relevant to the requested time-range search for emails.

TIGTA then processed the remaining five backup sets for a -- the relevant requested -- I'm sorry. TIGTA then processed the remaining sets of backup tapes in the same manner, later finding that each of the five backup sets contained one Lois Lerner email box, for a total of five email boxes, exactly as expected.

At the conclusion of this process, TIGTA identified 79,840 Lois Lerner emails, of which almost 60 percent were duplicates. Removing the duplicates resulted in 32,774 Lois Lerner unique emails.

It is critically important to note that these 32,774 emails need to be compared with the emails and documents the IRS has already produced to Congress in order to determine if there are any newly identified emails. Currently, we are finalizing the procurement of the software to accomplish this match.

As I noted earlier in my testimony, the IRS email system routes email messages through email servers that are comprised of hundreds of hard drives. I just completed my testimony about the status of our examination of the backup tapes associated with the email system, and now I want to discuss the status of the hard drives that were in the

email server in May 2011, 1 month prior to when Lois Lerner's laptop hard drive crashed.

On July 11 of 2014, TIGTA discovered that the hard drives from the decommissioned New Carrollton email server were not destroyed as previously reported by the IRS. On the same day, TIGTA secured the 760 hard drives that are believed to be part of the old New Carrollton email server.

TIGTA conducted a preliminary examination of the limited selection of hard drives, and we determined that, based on the information that could be seen from these hard drives, these drives are more than likely the email server drives that processed Lois Lerner's emails in 2011 and prior.

It is important to note that the email servers process and keep copies of email traffic on hundreds of drives that are specifically positioned in server racks. The IRS did not retain a copy of the layout indicating where each of the specific hard drives was positioned in the racks. Without understanding the exact order in which the hard drives were placed in the server racks, finding any complete and relevant emails would be very difficult and labor-intensive, if not impossible. In addition, if any of the hard drives are damaged, it could potentially be impossible to recover any useable emails.

We recently determined that we were unable to do anything further with the hard drives, and we have initiated the process to contract for an initial feasibility analysis of the 760 hard drives by a recognized industry expert in electronic data recovery.

Less than 2 weeks ago, we also learned that there may have been backup tapes older than the original 744 backup tapes we obtained in July of 2014. We have taken possession of an additional 424 tapes, and we are in the early stages of understanding if they have been erased and if any of these older tapes contain emails or data of interest to the investigation.

In summary, to date, we have found 32,774 unique emails that were backed up from Lois Lerner's email box. We are in the process of comparing these emails to what the IRS has already produced to Congress to determine if we did, in fact, recover any new emails. We also are in the process of having the email server hard drives analyzed to determine if there are any readable emails that can be recovered from these hard drives. And, finally, we are continuing to determine if there are any other sources that may contain Lois Lerner emails.

As I noted earlier, this is an ongoing investigation, and I have provided the information that I believe will not hinder our ability to continue our investigation, while simultaneously providing the Congress with the progress on the email search.

Thank you.

Chairman Chaffetz. Thank you.

[Prepared statement of Mr. Camus follows:]

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Chairman Chaffetz. I'll now recognize myself for 5 minutes.

Mr. Camus, from the time you started to try to find the tapes that contained the emails, how long did it actually take you to find them?

Mr. Camus. We started the process when we opened the investigation. We obtained the backup tapes June 30. And by November 13, I believe it was, was the first time we saw Lois Lerner emails.

Chairman Chaffetz. But from the time you sought to go find the emails to -- the tapes to the time you actually got to the place in West Virginia, how long did that take?

Mr. Camus. Literally about 2 weeks.

Chairman Chaffetz. So, despite everything that the IRS said, from the time you started to the time you found them was about 2 weeks.

Mr. Camus. Correct.

Chairman Chaffetz. When you showed up and talked to the IT people and said, well, what's happened here, what did they tell you?

Mr. Camus. They cooperated and answered our questions fully.

Chairman Chaffetz. Had anybody ever asked them for the tapes?

Mr. Camus. No.

Chairman Chaffetz. So we send a subpoena, we send letters, we have hearings, we hear all kinds of excuses from the IRS: They can't have them, they're recycled, they've been destroyed, they're not available, we can't find -- I mean, every excuse you can have under the sun.

You start; you find them in 2 weeks. And then when you go talk to the IT people who are there in charge of them, they told you that

they were never even asked for them. Is that correct?

Mr. Camus. That's correct.

Chairman Chaffetz. Are there potentially even more tapes?

Mr. Camus. Well, we believe there may be additional tapes that we just learned of 2 weeks ago.

Chairman Chaffetz. Are you investigating any potential criminal activity?

Mr. Camus. The entire matter continues to be under active investigation, yes, sir.

Chairman Chaffetz. For potential criminal activity?

Mr. Camus. Yes.

Chairman Chaffetz. The IRS first knew that there were problems with the emails back in February of 2014, didn't they?

Mr. Camus. I believe that's -- that's correct.

Chairman Chaffetz. By April of 2014, they had concluded that they had a problem on their hands. But it wasn't until June of 2014 that TIGTA actually became aware that there were problems, correct?

Mr. Camus. That is right.

Chairman Chaffetz. And I guess that's part of what my colleagues need to understand here, is that the IRS knew that there were problems back in February of 2014, but it wasn't until June of 2014 that they actually started to let Congress and TIGTA know, despite what the IRS Commissioner told us. He told us we were given full cooperation.

Mr. Koskinen said, quote, "We confirmed the backup tapes from 2011 no longer existed because they have been recycled," end quote.

Is that true or false?

Mr. Camus. We're looking at two populations of tapes. So there was some confusion for them. When we asked for the initial set of tapes with the date ranges, they provided the 744 tapes. We believe those were the tapes. We found a new population of tapes literally 2 weeks ago. We believe those were the 2011 tapes.

Chairman Chaffetz. Chairman Camp asked at one point, quote, "Your letter describes the Lois Lerner emails as being unrecoverable," end quote. Commissioner Koskinen responds, "Correct."

The Lois Lerner emails are ultimately recoverable, aren't they? At least a portion of them.

Mr. Camus. We recovered quite a number of emails, but until we compare those to what's already been produced, we don't know if they're new emails.

Chairman Chaffetz. I've got to tell you, I -- we have been patient. We have asked. We have issued subpoenas. We have held hearings, the Ways and Means, Senate Finance, House Oversight and Government Reform.

It's just shocking to me that you start, 2 weeks later you're able to find the emails, you go and talk to the people who are in charge of this, and nobody even asked them for the tapes?

I've got to tell you, I really do appreciate the great work that you are doing on this.

You know, the ranking member, I've got the greatest for him. And he cited some statistics that I believe were given to him by the

IRS -- 250 employees and thousands of hours and all this. But the one thing that we're trying to get to, and nobody even asked them for it. Didn't even ask.

I'll yield back.

I recognize the ranking member.

Mr. Cummings. Go to Mr. Connolly.

Chairman Chaffetz. Oh, my apologies.

We're going to recognize the gentleman from Virginia, Mr. Connolly, for 5 minutes.

Mr. Connolly. I thank the chair, and I thank the ranking member.

And, boy, can I relate to your frustration, Mr. Chairman, asking for a document and not being given it. Why, Mr. Cartwright and I have asked for a simple document from Mr. George himself.

Mr. George, on February 5, 2014, we filed a complaint against you with the Integrity Committee of the Council of IGs raising serious concerns over the troubling activities of your office under your leadership: publishing incomplete and misleading findings, engaging in partisan activities, meeting solely with Republicans on this committee, excluding Democrats, and allowing it to determine the scope of your audit.

On September 17, I requested a copy of your response to the contents raised in our letter -- September 17, 5 months ago. The next day, your counsel assured our staff in an email you would respond to the request. To this date, you have not responded to the request.

I really sympathize with the chairman's frustration of not

getting documents. We didn't subpoena you, but your office assured us we'd get a copy. Where is the copy of your response to our complaint before the Integrity Committee of CIGIE?

Mr. George. As you know, sir, the Integrity Committee of the CIGIE is operated -- is led by the Federal Bureau of Investigations. And it is my understanding that you or your staff have reached out to the FBI requesting the materials that you cited. My understanding is the FBI refused to provide you with that information because that is their policy. And that's my understanding, sir.

But --

Mr. Connolly. Actually --

Mr. George. -- as of today, sir, I have not received a written request from you or from this committee requesting that I waive my Privacy Act rights --

Mr. Connolly. Let me make two points to that, Mr. George.

First of all, with respect to your privacy rights, let me quote from the Integrity Committee of CIGIE with respect to privacy. Quote, "We are not presently aware of a restriction imposed by the Privacy Act to provide one's own response," unquote.

Secondly, your staff indicated by email you would be responsive 5 months ago.

Now, if you need a written request from Mr. Cartwright and myself, I've asked my staff to present it to you right now.

Mr. George. Well --

Mr. Connolly. Here is a written request that we are asking for

a simple document, your response to our complaint before CIGIE --

Chairman Chaffetz. The gentleman will share that document with the chair, please.

Mr. Connolly. Happy to do so, Mr. Chairman.

Chairman Chaffetz. Do that now, please.

Mr. Connolly. But, I mean, we can't have it both ways in this committee. We can't be complaining about the fact that IRS, having provided tens of thousands of documents, hasn't provided every little thing we want -- fine -- and we're willing to subpoena, and we're willing to waive Fifth Amendment rights and everything else, when the TIGTA himself has not provided a copy, a simple document, your response to our complaint. We think we're entitled to it.

You want a written request? You've got it, Mr. George.

Mr. George. And I would just note, I'll take this under advisement with my counsel, but I should point out that the FBI conducted its review of the Integrity Committee, and it exonerated myself and my organization.

Mr. Connolly. We know nothing about an exoneration.

And, for the record, Mr. Cartwright and I are going to resubmit the complaint, because the response we got was so bureaucratic and inadequate in one paragraph. And because you were unresponsive, we feel we have to reopen this investigation and ask the new chairman of CIGIE to cooperate with us. And we're going to do that. We're going to pursue that, Mr. George.

We feel you can't -- if you're the guardian of IRS documents and

you yourself are the subject of an investigation or a complaint and you won't provide one document, what standing have you got to advise this committee about how we retrieve or capture documents we're seeking?

Mr. George. Well, Mr. Connolly, I'm not going to engage in a debate with you here, but there is certain information you're not going to be able to receive access to related to this investigation pursuant to Title 26, Section 6103 of the United States Code.

Mr. Connolly. Yes.

Mr. George. And so, once the investigation is completed, you will receive a conclusion, the Congress will receive a conclusion. And there are certain committees in Congress that do have access to that information. They will receive the materials. But --

Mr. Connolly. We look forward to it, Mr. George.

Mr. George. So just as it --

Mr. Connolly. I've been waiting for over 5 months.

Mr. George. Just as it relates to an investigation of me and my organization, you're not entitled to certain documents.

Mr. Connolly. Oh, really.

Mr. George. That's correct.

Mr. Connolly. Well, we'll see about that, won't we, Mr. George?

Mr. George. Your prerogative, sir.

Mr. Connolly. Yes, it is.

I yield back.

Chairman Chaffetz. Thank the gentleman.

Recognize the gentleman from Florida, Mr. Mica, for 5 minutes.

Mr. Mica. Thank you, Mr. Chairman, and thank you for following up.

It looks like we've been lied to or at least misled. As recently as February 11, Commissioner Koskinen, the IRS Commissioner, came before us again, and he repeatedly stated that the emails were not recoverable.

Now, they have known for some time that some of these were recoverable. Is that correct, Mr. George?

Mr. George. I'm going to defer to Mr. Camus for that, sir.

Mr. Mica. Is that true?

Mr. Camus. Mr. Mica, I don't know what they knew and when they knew it. The only thing I know is that, as our investigators followed the trail, we were able to determine a number of emails. We have yet to compare them to what's already been produced.

Mr. Mica. Well, the IRS consistently stated from June 2, 2014, when Cate Duval identified the problem, till June 13, 2014, in a letter to the Finance Committee that the agency did everything possible to recover the emails.

But, in the meantime, you started your recovery when? 2014?

Mr. Camus. June in 2014, yes, sir.

Mr. Mica. June of 2014. Have they been made aware at all that there was some recovery underway?

Mr. Camus. They've been provided this similar information to what --

Mr. Mica. They've been provided similar information, and yet, since then, they've been coming to us and most recently said, our experts said we had no way, they were unrecoverable.

That wouldn't be a statement of fact. They knew otherwise, did they not?

Mr. Camus. It would appear so.

Mr. Mica. Okay.

The other thing, too, is, okay, you've found 32,000. We've been provided 24,000. And I understand we got those from other sources, other employees, not from the tapes.

And you found 32,000, did you say?

Mr. Camus. Yes, sir.

Mr. Mica. Okay. So that means there's at least 8,000 we more than likely haven't seen. You haven't turned any of those over to us yet, have you?

Mr. Camus. No, sir. We still have to match --

Mr. Mica. Okay. What is the process of getting those to us? You said you've got a software company to help separate them. What would you estimate the timeframe?

Mr. Camus. Well, we're hoping to get the software at any time. Once we do that, we don't anticipate more than a week for the match to occur.

Mr. Mica. So you can get us -- so there are about -- I mean, this is simple math. There are about 8,000, wouldn't you say, that we probably wouldn't have access, because you've got -- or we've got 24,

you've got 32.

In addition, you said now you've found 2011 tapes 2 weeks ago. Is that correct?

Mr. Camus. Yes, sir.

Mr. Mica. What kind of volume do you think you've got there? What would a tape have? Any idea of the emails? Has that been looked at at all?

Mr. Camus. The tapes vary in size due to how much is compacted on them, so it's very difficult to tell. One of the first things we have to determine about the new population of tapes is if they, in fact, have been erased. So it may be possible to --

Mr. Mica. And you've found some tapes have been erased that you cited in your testimony of the ones that you were given in the previous batch?

Mr. Camus. There were some blank tapes in the initial batch.

Mr. Mica. Were they erased, or were they blank?

Mr. Camus. That is impossible to determine.

Mr. Mica. So we know that there are some tapes that either were blank or made blank, right?

Mr. Camus. Correct.

Mr. Mica. Erased.

Mr. Camus. Correct.

Mr. Mica. Okay. And, again, how long will it take you to process the new tapes to get to us, do you think?

Mr. Camus. We just started the process, and we're trying to

understand if there's any -- if they -- if there's any data on them at all. There are 424 of them, and we're going to start with sample sizes.

Mr. Mica. Did you say 424?

Mr. Camus. Yes, sir.

Mr. Mica. Holy Moses. Because the other was seven hundred --

Mr. Camus. 744.

Mr. Mica. And that produced the 32,774. So there could be a good volume of tapes that have never been seen with -- I mean, there are a volume of tapes never seen, but they could contained a volume of emails never been seen. Is that possible?

Mr. Camus. It is possible.

Mr. Mica. Okay.

Mr. Camus. It's important to note that the total number of emails, 39,744, again, that some of them could have already been produced --

Mr. Mica. Yeah.

Mr. Camus. -- and that some of them are earlier than the timeframe in question.

Mr. Mica. Well, Mr. Chairman, too, what concerns me is witnesses have come before us from IRS and have denied that some of these things existed, denied that they had knowledge. And I think that they have misled or lied to the committee, and I think that should be taken under advice of counsel.

Yield back.

Chairman Chaffetz. Thank the gentleman.

I now recognize the gentlewoman from New York, Ms. Maloney, for 5 minutes.

Mrs. Maloney. I thank the witnesses and the chairman and the ranking member for calling this hearing.

Mr. Camus, I would like to walk through how you found these additional emails and clarify exactly what they might contain.

Originally, there were reports that there were 80,000 new Lois Lerner emails, but now you're saying that the number is closer to 32,000. So can you explain how the number went from 80,000 to 32,000?

Mr. Camus. Yes, ma'am. It went from 80,000 to 32,000 because we removed duplicates.

The five email sets that we have were backups, one week after the other. So there was a high number of -- 60 percent of them were duplicates of each other. So if you took the 80,000 total and you took out the 60 percent that were duplicates, that give us the subset.

Mrs. Maloney. Duplicates of the 80,000?

Mr. Camus. Yes, ma'am.

Mrs. Maloney. So they're just duplicates of the 80,000.

Mr. Camus. Yes.

Mrs. Maloney. Okay. So, to be clear, these 32,000 emails are what remained after your office removed all these duplicates from the batch of 80,000.

Mr. Camus. That is correct.

Mrs. Maloney. Well.

Now, thousands of emails from Mrs. Lerner were already provided to the committee by the IRS; is that correct?

Mr. Camus. Yes.

Mrs. Maloney. And do you know how many of these 32,000 emails have already been produced to this committee?

Mr. Camus. That is a step in the process that we have yet to take, but we plan on taking it as soon as we can get the available software.

Mrs. Maloney. So is it possible that some of these 32,000 emails have already been provided to the committee?

Mr. Camus. Yes, ma'am.

Mrs. Maloney. So they could actually already be in your files and they're for everybody to review.

Mr. Camus. That is correct.

Mrs. Maloney. So how long is it going to take to do this matching process to find out if, in fact, there's any new material?

Mr. Camus. We are going to do it as soon as we can get our hands on the software.

Mrs. Maloney. So how long do you think it's going to last?

Mr. Camus. We've been anxiously waiting. We ordered the software in December, and we're in negotiations with the vendor to obtain it.

Mrs. Maloney. And once you get the software, how long is it going to take to --

Mr. Camus. We're hoping it will only -- it will take a week.

Mrs. Maloney. A week. Okay.

And so, as I understand it from your testimony here today, you are unable to confirm whether there are any, to use your own words, new emails, right?

Mr. Camus. That's correct.

Mrs. Maloney. So what's before us may be material you already have, right?

Mr. Camus. That is correct.

Mrs. Maloney. So may I ask, why are we here?

Mr. George, why are we at a hearing at 8 o'clock at night on something which may not be any new material at all?

And we're not even talking about content. We've got to decide whether this is something that's already there. You already threw out 60 percent of the 80,000, down to 32,000, because it was exactly the same thing.

So why are we here?

Mr. George. Is that a rhetorical question, Ms. --

Mrs. Maloney. No. No, seriously. I mean, what new material do you have?

Mr. George. Well, it is important to keep Congress informed as to the status of the investigation. And so it was at the request of the chairman that we are before you this evening.

Mrs. Maloney. So it was not your idea to have a hearing at 8 o'clock at night on material that may already be in your office. And, once you match it, it may be no material -- new material at all, right?

Mr. George. That is correct.

Mrs. Maloney. Well, I would say that that clearly fits the definition of premature or a waste of time. Would you agree?

Mr. George. I'm not going to --

Mrs. Maloney. I know. I know.

But I want to be clear. You cannot even begin to draw any conclusion about the contents or any possible implications that might have on this investigation at this time because you don't even know if you have any new material. Is that correct?

You don't even know if it's any new material. It's just a rerun of what may already just be in your office, like the 60 percent that you threw out of the 80,000 emails.

I want to thank you for testifying today. My time has expired.

Mr. Cummings. Would the gentlelady yield?

Mrs. Maloney. I would -- I yield to the ranking member, but I look forward to you coming back when you have some real material for us.

Mr. George. Most definitely.

Mr. Cummings. Thank you.

Mr. Camus, exactly, if you can tell us, what's involved in those negotiations for this software? And how soon do you anticipate, based on the rate you're going with your negotiations, that you will have it?

Because I think the committee -- it would benefit the entire committee to have some kind of idea of what kind of timeframe we're talking about.

Mr. Camus. There seems to be a dispute with the vendor over certain licensing rights, rights to come in and review how the software is being used, which would mean they could come in and look at the material that we're matching, and that's not acceptable to the Federal Government. So there are those types of negotiations going on right now between our procurement officers and the vendor.

But this is a renowned company that has the software that we need to do the job. It's used forensically. And it's just very unfortunate, in this particular moment, on this particular case, that we're running into this problem at this time.

Chairman Chaffetz. Thank you.

I would note to the gentlewoman, the reason we're here is we haven't had an update in a year and a half. And just a little over a week ago, they found more than 400-and-some-odd tapes. They are pursuing a potential criminal investigation. They went to go find the tapes; it took them 15 days. We've had testimony time and time and time again from the IRS that said, we can't find them, they're destroyed, they've been duped over. And they found them in 15 days. That's, in part, why we're here today.

I now recognize --

Mrs. Maloney. Will be gentleman yield? Will the gentleman yield?

Chairman Chaffetz. I'm going to recognize the gentleman from Ohio, Mr. Jordan, for 5 minutes.

Mr. Jordan. I thank the chairman.

Mr. Camus, we learned from John Koskinen and the IRS that they had lost the backup tapes, or that the backup tapes no longer existed, when we got a letter -- well, the letter went to the Senate Finance Committee, but that's when we learned, that's when the American people learned.

When did you learn? When did the IRS tell you that the backup tapes didn't exist?

Mr. Camus. The same -- the same time as everybody else.

Mr. Jordan. So you learned like everyone else.

Mr. Camus. Yes, I did.

Mr. Jordan. Okay.

And then when did you find the tapes that the IRS said didn't exist?

Mr. Camus. We asked for them on June 30, and we had them by July 1.

Mr. Jordan. This is where the chairman was a few minutes ago.

Mr. Camus. Yes.

Mr. Jordan. So you learned like the whole world, and then, as the chairman said, 15 days later, you find them. How'd you find them?

Mr. Camus. We asked for them, and we demanded them.

Mr. Jordan. But, I mean, how'd you actually get the physical tapes? What did you do?

Mr. Camus. Well, we identified the IRS experts that would know where the tapes are. We interviewed them, and we obtained them.

Mr. Jordan. Did you get in a car and drive to Martinsburg, West

Virginia?

Mr. Camus. That is correct.

Mr. Jordan. Yeah. You just got in a car, we drove to the place that had the tapes, you said, "Can we see the tapes?" "Here they are." Yeah.

And those people, when you got the tapes from them, you said, "Hey, by the way, did the IRS ask you -- did they come out and ask you if the tapes were here?" You asked them that question, right? And their answer was?

Mr. Camus. No.

Mr. Jordan. No, they didn't.

So you just did something pretty simple. Where are the tapes? I'm going to get in the car, I'm going to drive, and I'm going to get the tapes.

Now, as the chairman pointed out, for 4 months the IRS knew they lost the tapes -- lost them -- and didn't tell us and then told the whole world, told you on June 13. And within a few days, you had those tapes.

And there were 770 and -- or, excuse me, 744 tapes you got on July 1.

Mr. Camus. Correct.

Mr. Jordan. When you drove to Martinsburg and actually got the tapes.

Mr. Camus. That's right.

Mr. Jordan. Okay.

So you have that number -- you had a lot of numbers in your testimony, but I want to focus on that number.

And then I want to focus on, were these the only tapes you've actually gotten in your possession? Are these the only tapes you've got?

Mr. Camus. No. Two weeks ago, we recovered an additional 424 tapes.

Mr. Jordan. All right. So that's what you pointed out near the end of your testimony.

So 744 tapes originally. Now, just 2 weeks ago, you obtained 424 more. How'd you find out about these tapes?

Mr. Camus. As we were following up on our initial interviews, we realized that we were missing a document. When we obtained that document and reviewed it, we realized that they were an additional population of tapes that had been unaccounted for.

Mr. Jordan. So, missing a document. Whose document was that, and who should have given you that document?

Mr. Camus. It was an IRS document.

Mr. Jordan. So they withheld a document from you that prevented you from figuring out there were more tapes than these 744. Is that accurate?

Mr. Camus. "Withholding the document," I can't characterize that at the time because that's still under investigation.

Mr. Jordan. They didn't give you a document, and, by not having the document, you couldn't figure out that there were more tapes out

there with potentially more Lois Lerner emails on them. Is that correct?

Mr. Camus. That would be accurate.

Mr. Jordan. Yeah.

So any concerns about the fact that that document wasn't there? And how did you figure out that the document was missing?

Mr. Camus. Just following up, as we are -- as we're coming down to the conclusion of our investigation, we make sure we have all the documents. So when we determined that we were short one document, we went and demanded it, and we obtained it. Then we were able to notice that there were a population of tapes that had never been disclosed.

Mr. Jordan. And where were those tapes? The same place?

Mr. Camus. They were also in Martinsburg.

Mr. Jordan. So you got in the car and drove there again, right?

Mr. Camus. Yes, we did.

Mr. Jordan. You got more tapes.

Mr. Camus. We did.

Mr. Jordan. Amazing. Amazing.

So, now, here's the key. And this is -- the chairman, in his opening round of questions.

So when you have the IRS take 4 months to tell you something, and they don't even go to the place -- you figured out in 2 weeks, you got in a car, drove there, and got them. The IRS says they don't exist. Right? You can find them in 2 weeks, get access to those tapes, and then you learned that there -- so 4 months there, you get them in 2

weeks. And then you learn that they're not giving you the documents that you need to find even more tapes.

So when the chairman asked the important question, is there potentially criminal activity here, your answer was?

Mr. Camus. There is potential criminal activity.

Mr. Jordan. And that's the thing, right? I mean, it sure smells like it.

If the IRS takes 4 months to tell us something as important as, "We lost Lois Lerner's emails," and their excuse is, "We're doing everything we darn well can do to get those," and then when they do make it public to the whole world -- they didn't tell you ahead of time. They told you when they told the whole world. And in 2 weeks, you got them. Suddenly, they're, "Oh, wait a minute" -- well, 2 weeks to get them.

And then you find out, in addition to that, they're withholding documents that uncover even more tapes. So we're not talking 744 tapes. We're talking over 1,100 tapes that we now have.

And so, of course, this -- that's why we're -- she's done left. She should have stayed. This is why we're having the hearing. When the American people understand 1,100 tapes that the IRS said, "They're gone, we can't get them," and all you do is get in a car, drive to Martinsburg, West Virginia, not that far, one State over, and get the tapes, holy cow. Of course -- we should have had this hearing 2 weeks ago when you first learned that those 424 tapes were out there.

Chairman Chaffetz. Thank the gentleman.

Mr. Jordan. My time's expired. I yield back.

Chairman Chaffetz. Now recognize the gentleman from the Massachusetts, Mr. Lynch, for 5 minutes.

Mr. Lynch. Thank you, Mr. Chairman.

And I want to thank Mr. George and Mr. Camus for your help tonight, although I have serious misgivings about doing this hearing halfway through an audit. And I know in your precatory address you talked about that.

And I have to ask both of you, do you typically do a hearing like this halfway through an audit, when you're not complete, when you know that things could change, as you said?

Mr. George. Congressman, actually, the audit is complete. The initial audit is complete. We've initiated a subsequent audit looking at how other groups were treated --

Mr. Lynch. I know that, but you also said you've got a lot more work. You've got this matching think you got to do. Okay? You have to find out whether these are duplicates or from a period before any of this occurred.

So you've got a lot that you haven't --

Mr. George. They're two separate --

Mr. Lynch. -- determined, and you haven't made any conclusions yet.

Mr. George. Excuse me, sir. There's two separate tracks. There's the audit track, and then there's an investigations track. And I'll ask Tim to address the investigations track.

Mr. Camus. Thank you, sir.

Generally, we don't discuss ongoing investigations. This particular matter and the particular case is of such interest to so many parties, we're trying to limit our discussion to --

Mr. Lynch. I know what you're trying to do. And I appreciate that. I appreciate that. And I know you're trying mightily to adhere to that standard.

But, in the middle of this, there's allegations out there, repeated allegations, that this is potentially criminal activity. It's also potentially not criminal; is that correct?

Mr. Camus. That's correct. We'll --

Mr. Lynch. Yeah. Don't --

Mr. Camus. -- have to conclude our investigation.

Mr. Lynch. And yet there's allegations that, you know, the IRS is withholding documents. And that's not necessarily true. It could be otherwise, right?

Mr. Camus. It's possible.

Mr. Lynch. Right.

Well, here's -- on May 22, Mr. George, you testified before this committee, and you said this, and I quote: "There are established procedures for conducting an audit. And, once again, this is an audit. And to ensure fairness in this investigation and to ensure that we are completely accurate with the information that we convey to Congress, we will not report information until the IRS has an opportunity to take a look at it and to ensure that we're not misstating the facts."

Do you remember saying that, sir?

Mr. George. Vaguely, yes.

Mr. Lynch. Right.

And then when pressed further, you said this: "Sir, but it would be impractical for us to give you impartial information which may not be accurate. It would be counterproductive, sir, if we were to do that."

That's what you said.

Mr. George. Again, my understanding is, referring to the audit.

Mr. Lynch. Well, this says -- it says, "Why, in your view, is it counterproductive to publically disclose information regarding ongoing audits and investigations?"

Mr. George. Well, I don't recall saying that, but if you're quoting me, I --

Mr. Lynch. Here's another one. In response to another question, you said, and I quote, "I think it would behoove all of us to ensure that accurate information is given to Congress so that we don't act precipitously. As you I am sure are aware, many times when information is conveyed to the Hill, it is sometimes not retained on the Hill, and that is not fair to the people who we are investigating."

Do you recall saying that?

Mr. George. I recall that, definitely.

Mr. Lynch. So I'm very concerned about this whole process, for your reputational interests, not just for people who are suspected of wrongdoing. I just think it's wrong.

And you're telling me that, once you get this software in 2 weeks' time, you'll be able to do the match, you'll be able to give us some concrete determinations. Right now, this is all speculation, and I think it hurts this hearing.

And this is not an issue that should be sidestepped. I'm not saying that. I'm just saying we should do a very, very good job, and we shouldn't go off half-cocked before you can make the determinations that you need to make and that we have hard evidence here, when you can actually say whether or not there was affirmative withholding here, when you can say whether or not people hid things or, as was said earlier, we were lied to.

Right now, I'm concerned about the due process rights of these people who are being accused in absentia, when we don't have the evidence, we don't have a final -- an end to this investigation, and we're doing this halfway through the process. I just think we should be better than that.

And it if takes 2 more weeks -- and we have waited a long time. We have waited. And I don't begrudge the chairman from being frustrated. I'm frustrated, too. But I would like -- I would like a stone-cold -- a full report here so that we can actually do our job. And, right now, there's too much speculation going on from the full spectrum of possibilities.

And I respect your desire and your effort to keep this down to, you know, just the mechanics of what you've been doing, but it's gone far beyond that already. And I think you've impugned, by your own

admissions here, the people who you're investigating. And I think that may come back to bite us and, indeed, hurt the integrity of your own investigation, by doing this prematurely.

I yield back.

RPTR KERR

EDTR HOFSTAD

[8:45 p.m.]

Chairman Chaffetz. I thank the gentleman.

Now recognize the gentleman from Michigan, Mr. Walberg, for 5 minutes.

Mr. Walberg. Thank you, Mr. Chairman.

And I thank you for continuing this investigation. I think they doth protest too much. And the gyrations that are going on, trying to indicate that we are premature, my gracious, if this is premature, I'd hate to see what delayed is.

This is our responsibility, Mr. Chairman -- and thank you -- to do oversight, to continue to push to get to the answers. 32,000, they may all be duplicates, but we should have had those. We should have 80,000. We have the responsibility and the right to have those. And I appreciate the work that's being done here.

I mean, we're still talking about citizens who have been attacked by their government. Their IRS intimidated. Even to this day, it's still going on. These are people we can't forget.

"If you say the targeting issues have been resolved, how come we still haven't received a determination one way or the other?", asked Rick Harbaugh, leader of the Albuquerque Tea Party, which has been waiting 5 years for its tax exemption. "We are still being targeted." That's in their mind. And so it's good work we're doing here.

In May of 2013, the DOJ announced that it would be conducting an independent investigation of the IRS targeting in conjunction with the Treasury Inspector General for Tax Administration, you folks. At the 2013 press conference where Holder made the announcement, he said, "Those were, I think as everyone can agree, if not criminal, they were certainly outrageous and unacceptable. But we're examining the facts to see if there were criminal violations." Good.

But a DOJ official involved in the investigation, who is doing this at Eric Holder's behest, was Barbara Bosserman, who contributed the maximum amount to President Obama's campaign.

The DOJ leaked last year that it did not anticipate any criminal charges being filed. And, earlier this year, February 13, to be exact, our Attorney General, Eric Holder, said, "I'm satisfied with the progress that the Criminal Division has done. The Civil Rights Division, as well. I expect that we will have some final recommendations coming up relatively soon."

Well, if that's the case, then it is important that we do these studies, these questioning right now.

Let me ask Mr. George and Mr. Camus, is TIGTA still participating in the DOJ's investigation of the targeting of conservative nonprofit groups?

Mr. Camus. Yes, sir, we are.

Mr. Walberg. Is this investigation nearing completion?

Mr. Camus. That's a DOJ investigation. I can't comment on their behalf.

Mr. Walberg. Are you aware if any criminal charges are going to be filed?

Mr. Camus. I'm not aware of that, sir.

Mr. Walberg. Considered to be filed?

Mr. Camus. I'm not aware of the specifics.

Mr. Walberg. Are you aware that, in January, Eric Holder stated that the DOJ's investigation was nearing completion and that DOJ would be making recommendations to IRS?

Mr. Camus. I'm not aware of that statement, sir.

Mr. Walberg. Do you know what these recommendations will be?

Mr. Camus. I do not.

Mr. Walberg. I think we are getting a trend here.

Another reason for this hearing -- to find who's on first, who's on second, what's progressing, what we have to expect, what we need to be looking for.

Isn't it your job and not the job of DOJ to make recommendations to the IRS?

Mr. Camus. It is.

Mr. Walberg. Your job to do that.

Mr. Camus. It is.

Mr. Walberg. So the purposes for which you are undertaking this investigation, you are doing it with diligence.

You may have a question, Mr. George, about one document. We've got 32,000 documents that we're concerned about here.

But more than that, again, I go back to the fact that we are

concerned about citizens, private citizens, taxpaying citizens, citizens who have First Amendment liberties, citizens who have the right to know that their government will not go after them in untoward ways simply because of their beliefs, their values, who they join and involve themselves with.

And I thank you for the good work you're doing. I wish that we could receive the information that we requested so we could work alongside in a parallel process to get to the bottom of what ought to be the American ideal, and that's freedom and opportunity.

Mr. George, you have a statement?

Mr. George. Just briefly.

I think it's important to note that we had made recommendations to the IRS on this very issue and are in the process of reviewing to see whether or not those recommendations have been implemented. And hopefully that report will be out in the not too distant future.

Mr. Walberg. Thank you.

I yield back.

Chairman Chaffetz. I thank the gentleman.

I recognize the gentleman from Pennsylvania, Mr. Cartwright, for 5 minutes.

Mr. Cartwright. Thank you, Mr. Chairman.

Mr. George, in case you or anyone listening does not fully understand why Mr. Connolly and I have filed a complaint against you, here's the beef.

The Council of the Inspectors General on Integrity and

Efficiency, or CIGIE, is the organizing entity for IGs across Federal agencies. They issue a handbook for IGs like you on how to conduct investigations in a nonpartisan manner. This is what the handbook says about discussing ongoing investigations with Congress, and I quote: "IGs should avoid any appearance of partisanship in such engagements. Bipartisan meetings and outreach is the most appropriate format for such OIG meetings," unquote.

What is troubling to me is that, during this investigation, you and your staff have engaged in a series of activities that contradict this clear guidance.

At the beginning of this investigation more than 3 years ago, your staff held a private meeting with Republican staff working for former Chairman Darrell Issa of this committee -- that meeting occurred on March 8, 2012 -- during which your staff discussed the scope of the investigation. Democrats were not invited, were not informed, and did not participate.

On July 11, a few months later, you sent a private letter to former Chairman Issa confirming these events. This is what you wrote, and I quote: "After our meeting, our Office of Audit recently began work on the issue. We would be happy to provide a status update to the subcommittee staff." You sent a copy of that letter to Representative Jordan, but you did not send a copy to any Democrats.

On May 15, 2013, you issued your report. So, right there, that means you worked over a year on your audit for this committee with the Democrats on this committee entirely in the dark -- you, who are

required to be bipartisan and not partisan.

So what did you write in the May 15, 2013, report? You talked about the BOLOs, you talked about the right-wing groups being targeted, but you did not reference any progressive groups that we know were subjected to similar treatment.

When you came before this committee on May 22, a week later, 2013, we asked why your report did not address progressive groups. You said, and I quote, "Because those groups did not have, again, the Be on the Lookout, 'Tea Party,' 'Patriot,' or '9/12' in their names."

When we asked you about specific reports that the IRS was treating progressive groups similarly, you said this, and I quote: "I have subsequently received information that what you're indicating may have occurred, and, as a result, we will be conducting a followup review to determine whether or not that's the case."

On July 18, 2013, you testified before this committee again. At that hearing, we showed you internal IRS documents indicating that progressive groups were subjected to this type of scrutiny and were also included on training materials. You said, "We just learned about that recently, and that name was being used by the IRS. So, you know, as I indicated in my opening statement, we just recently, last week, received new information that is disturbing and we need to pursue." So you testified it was disturbing that you did not discover these documents about progressive groups earlier.

But, about a month earlier, on June 23, 2013, your communications director stated publicly that the reason for this was because you were

only looking for Tea Party groups. She said Chairman Issa had directed you, and I quote her words, "to narrowly focus on Tea Party organizations." When you testified on July 18, 2013, you said she misspoke, your communications director misspoke. So, apparently, it was your office, on its own, deciding to focus only on conservative groups and not to review progressive groups.

On January 27, 2014, your staff held another meeting with Republican staff, and Democrats were excluded yet again. In fact, on February 4, Ranking Member Cummings wrote to complain about partisan activities and not including Democrats.

Nevertheless, these partisan activities have continued to this day. About a month ago, on January 22, your staff met privately with Chairman Chaffetz, Chairman Jordan, and others. There were no Democrats present. You did not inform the minority the meeting was going to happen. And it wasn't until 11 days later that your staff finally provided the minority with that briefing.

Mr. George, as you sit here today, this evening, are you aware that your IG handbook says, "IGs should avoid any appearance of partisanship. In such engagements, bipartisan meetings and outreach is the most appropriate format for such OIG meetings"? Are you aware of that this evening?

Chairman Chaffetz. The gentleman's time has expired, but the gentleman, Mr. George, may answer the question.

Mr. George. I mean, that is quite a bit of information there, sir, and there is a lot that I would like to respond to. But suffice

it to say I don't control the attendees of meetings. If I'm invited by the chairman of a full committee or a subcommittee to meet with him or her --

Mr. Cartwright. It's a "yes" or "no" question. Are you aware that that's in your handbook, that you have to be bipartisan?

Mr. George. I've engaged in bipartisanship my entire political and professional career, sir. So, yes, I --

Mr. Cartwright. And did you know --

Chairman Chaffetz. The gentleman's --

Mr. Cartwright. -- that that was in your handbook 2 1/2 years ago?

Chairman Chaffetz. The gentleman's time has expired.

Mr. George. I --

Chairman Chaffetz. The gentleman's time has expired.

Mr. Cartwright. I yield back, Mr. Chairman.

Chairman Chaffetz. Thank you.

I now recognize the gentleman from South Carolina, Mr. Gowdy.

Mr. Gowdy. Thank you, Mr. Chairman.

And, Mr. George, I want you to take heart and I want you to be heartened by the fact that, when one side has good facts, they pound the facts, and when they have good law, they pound the law, and when they don't have either facts or law, then they like to pound the judge. And that's what we've been listening to tonight. I've heard more questions and tougher questions directed to you than I've heard directed to Lois Lerner. So I want you to take heart.

And we'll get back to this bipartisanship here towards the end, because I'd like to invite my friends from the other side of the aisle to write a letter to the Department of Justice. Speaking of the appearance of partisanship, we have a DOJ lawyer who contributed the maximum to the President, and that's who's supposed to be investigating.

So, perhaps, Mr. Chairman, we could have a letter, and we could get some Democrats to sign that letter with us, and we can ask the Department of Justice to update us on the status of the investigation and whether or not Ms. Bosserman is the right person to conduct that investigation.

However, Mr. Camus, I want to ask you this. Mr. Koskinen, Commissioner Koskinen, in June of 2014, said that there was no evidence of criminal wrongdoing, which I found to be stunning because I was not aware previously that he was a criminal investigator. I thought he was the Commissioner of the IRS. So I think we both learned something that night.

He had conducted a full investigation and found no criminal wrongdoing, which I found also stunning because the Ways and Means Committee had made a criminal referral to the Department of Justice.

So, to the extent Mr. Koskinen is watching tonight, are there potential criminal statutes at play?

Mr. Camus. Yes, there could be. Yes, sir.

Mr. Gowdy. Well, what could they be? I'm not asking you to prejudge it, but you can't discriminate against someone based on their

political ideology, can you?

Mr. Camus. No.

Mr. Gowdy. No. That's against the law, and thank the Lord for it.

And you can't disclose confidential taxpayer information, can you?

Mr. Camus. No, you cannot.

Mr. Gowdy. No, you cannot.

Nor can you mislead Congress, can you?

Mr. Camus. You cannot.

Mr. Gowdy. Could I ask the chairman to engage in a colloquy with me?

Mr. Chairman, I listened -- and he is my friend, from Virginia, Mr. Connolly. And I want to say that publicly. It may hurt him in this district, but he is my friend. I listened to him ask Mr. George to respond to a letter that he had written asking for an update on something that clearly Mr. George has no jurisdiction over and can't respond to.

And I would be curious as to whether or not the chairman would ask our friends on the other side of the aisle if they would be willing to write a letter to the Department of Justice. I'd be curious how Ms. Bosserman was chosen out of all the competent -- and there are lots and lots of competent attorneys in the Department of Justice. I am curious why she, as a max-out donor to the President, was picked to head this criminal investigation.

And, Mr. Chairman, I'd be interested in whether or not there has even been a grand jury that's been convened. And, Mr. Chairman, I'd be interested in whether or not any grand jury subpoenas have been issued, either for documents or for witnesses. And I'd be interested in whether or not there are any proffer agreements or whether they've made any effort to talk to Ms. Lerner. You and I didn't have any success talking to her. I was hoping that they would have more success.

So I would ask the chairman to investigate, given this bipartisan spirit that I heard tonight, asking our colleagues on the other side of the aisle to join in a letter with us asking for an update on the real investigation, not investigating the investigator, which is what I've heard a lot of tonight --

Mr. Connolly. Would my friend yield?

Mr. Gowdy. -- but actually -- I will in just a second. And I will, I promise -- not investigating the investigator, which I've heard a lot of tonight, Mr. George, but the real underlying investigation into whether criminal conduct was engaged in.

Would the chairman be willing to entertain that thought?

Chairman Chaffetz. Yes. I will follow up with you on that.

Mr. Gowdy. And I thank the gentleman from Utah.

And I would yield, with great trepidation, to my friend from Virginia.

Mr. Connolly. I thank my friend. And he also is my friend.

Now, I'm not a fancy country lawyer from South Carolina like my friend, but I would say it's a neat trick to attack folks on partisanship

but to try to nullify our concerns about that very subject here with respect to Mr. George himself.

The objectivity, Mr. George, is very much in doubt.

And if my friend wants to draw us into a letter questioning the objectivity of the partisan activities of a lawyer at the Department, we're happy to entertain that if my friend will join us in the concerns that were enumerated by Mr. Cartwright and by myself in a 26-page complaint --

Mr. Gowdy. Well, reclaiming --

Mr. Connolly. -- about the partisan briefings and the violation of the IG handbook.

And, by the way, if we're going to condemn people or raise questions, by insinuation, of their partisan affiliations, we can do that with Mr. George, too, because he has a partisan history.

Mr. Gowdy. Reclaiming my time, because I'm out of time, and I know the chairman --

Mr. Connolly. I thank my good friend.

Mr. Gowdy. -- is going to let me make one conclusory comment.

This is, I think, the third time Mr. George has appeared before this committee. So my point to the gentleman from Virginia is simply this: What's good for the goose is good for the gander. If this man is going to have to sit here and listen to accusations about his character and his partiality, then I think the least that can be done is that we can have a few questions to the Department of Justice about -- I'm not prejudging Ms. Bosserman. I have no idea. I just

find it curious, out of all the thousands of lawyers in the Department of Justice, why they stumbled upon one who was a max-out donor to the DNC. That was my question.

And I know I'm out of time, so I'll yield back to the chair.

Chairman Chaffetz. I thank the gentleman.

I now recognize the gentlewoman from Michigan, Ms. Lawrence, for 5 minutes.

Mrs. Lawrence. Thank you, Mr. Chair.

And thank you, Ranking Member.

Some of my colleagues -- and many of you know that I'm a freshman Congresswoman, so this conversation has preceded me in the previous Congress. So I have some questions of timelines that I would like to validate.

Some of my colleagues continue to claim that there was ill intent surrounding Lois Lerner's computer crash, that she intentionally crashed it to conceal her emails. I just want to review the timeline.

And, Mr. George, Lois Lerner's computer crashed on June 13, 2011; is that correct?

Mr. George. That is correct.

But for the technical questions, ma'am, I'm going to defer to Mr. Camus, but I'll do my best to answer the questions that I can.

Mrs. Lawrence. And emails produced to the committee confirm that it crashed on June 13, 2011.

Then, on June 14, 2011, Ms. Lerner sent an email to several IRS employees stating that she could not read her emails because her

computer crashed a day earlier. She wrote, and I quote, "My computer crashed yesterday. My BlackBerry doesn't work in my office, so I just saw this."

Mr. George, according to your audit report on June 29, 2011, Ms. Lerner received a briefing explaining that the IRS employees in Cincinnati were searching for applications that included the terms "Tea Party," "Patriots," and "9/12."

Do I have that date correct?

Mr. George. Yes, you do.

Mrs. Lawrence. So before Ms. Lerner received information from you that there were complaints, her computer had already crashed. Is that correct?

Mr. George. You know, in all candor, Congresswoman, the timeline, as it relates to -- and you're referring to the audit and not the investigation --

Mrs. Lawrence. Yes.

Mr. George. -- so I will have to supply you an answer for the record, if that's permissible.

Mrs. Lawrence. Well, according to your report, Ms. Lerner learned about these inappropriate search terms. She wrote -- and I quote -- or she stated that she immediately directed that the criteria be changed.

Mr. George. I've just been informed that the date that you cited is accurate, Congresswoman.

Mrs. Lawrence. Okay. So if we're following the timeline,

June 13, the computer crashed; on June 14, there was an email sent saying, my computer crashed yesterday; and then, on June 29, Ms. Lerner received a briefing explaining that employees in IRS were using these terms.

And if I'm correct, those are the timelines so far, correct?

Mr. George. My understanding -- and, again, I'm getting this from staff -- is that most of the dates that you cited were accurate, with one possible exception. And --

Mr. Camus. I believe the date that you cite for the computer crash is accurate.

Mrs. Lawrence. Okay.

So, at the time of Ms. Lerner's computer crash, had TIGTA commenced its audit of IRS employees' handling of applications for tax-exempt status?

Mr. George. No. No. It hadn't begun.

Mrs. Lawrence. No. So she couldn't have known that you were coming in to investigate the past actions or the need for her -- she hadn't been notified of any need or any investigation when the audit began.

Mr. George. Now, I don't know whether she was interviewed, and I can't, in all candor, determine what was in her mind. But that is an assumption I think one could make.

I don't know if anyone -- Tim, you would want to add to that?

Mrs. Lawrence. I am looking for not assumptions. If the facts that we have is that her computer -- we have a date, and her computer

crashed on June 13. And it wasn't until June 29 that there was indication that there was going to be an audit based on these terminologies that were being used.

Mr. George. There is no question --

Mrs. Lawrence. That's a fact.

Mr. George. There's no question it was after --

Mrs. Lawrence. Okay.

Mr. George. -- the crash that there was any indication of an audit.

Chairman Chaffetz. I --

Mrs. Lawrence. And our former chairman did not ask to review this matter until 2012; is that correct?

Mr. George. Yes.

Chairman Chaffetz. I thank the gentlewoman. Time has expired.

So we'll now recognize the gentleman from Kentucky, Mr. Massie, for 5 minutes.

Mr. Massie. Thank you, Mr. Chairman.

So, just to go over some of the stuff in your opening statements, you said that you found 744 backup tapes, Mr. Camus?

Mr. Camus. That's correct.

Mr. Massie. And this is after we were told in these hearings by Mr. Koskinen that these tapes were unavailable.

When did you first obtain the tapes, those 744 backup tapes?

Mr. Camus. July 1st, 2014.

Mr. Massie. July 1st of 2014. What I find interesting is that

Mr. Koskinen was here on July 9th, 2014, which would be 8 days after you found those tapes. And those tapes were in the possession of IRS employees?

Mr. Camus. Yes. They were the backup tapes that were in use.

Mr. Massie. Right. And those backup tapes were kept by the IRS in Martinsville, West Virginia?

Mr. Camus. Martinsburg, West Virginia.

Mr. Massie. Martinsburg. Sorry.

But 8 days later after you found those tapes from IRS employees -- and you said you drove there to get them -- I asked Mr. Koskinen, I said, "I think you testified earlier that the backup tapes are recycled every 6 months." And Mr. Koskinen said, "They are kept for 6 months, and then the tapes are put back into being recycled." I said, "So the tapes are reused?" Mr. Koskinen said, "They are reused, yes. They are reused until they don't work."

And so my questioning went on further with him, because I don't think it's typical practice that these tapes are reused. They're too cheap to reuse.

Do you have any indication that they were reusing those tapes?

Mr. Camus. Yes. I believe they were reusing the tapes.

Mr. Massie. So the tapes that you found, had they been overwritten?

Mr. Camus. Yes.

Mr. Massie. And so you have tapes that cover which dates?

Mr. Camus. The tapes that we recovered had been overwritten.

However, by obtaining them and looking at them ourselves, we were able to find a backup as far back as November of 2012. And that backup contained emails that went all the way back to 2001.

Mr. Massie. So those backups had not been overwritten.

Mr. Camus. That is correct. There was information on that tape that had not been overwritten that allowed us to see email as far back as 2001.

Mr. Massie. And you --

Mr. Camus. Now, a distinct -- go ahead.

Mr. Massie. And you found 32,774 unique emails on those tapes, Lois Lerner emails?

Mr. Camus. That are unique to Lois Lerner. But what we have yet to determine is if the IRS ever had possession of those and if they, in fact, turned them over to Congress.

Mr. Massie. And you said you found nine tapes that were either blank or erased?

Mr. Camus. That's correct.

Mr. Massie. And, earlier, you testified you weren't sure whether they were blank or erased, and it was difficult or impossible to tell. Can the FBI discover -- I mean, it seems to me, technically, that you could tell with some diligence, maybe not at first glance.

Mr. Camus. Well, we were informed by two parties -- one, the FBI, and then the other is a private expert on data recovery -- that the tapes, when they examined them, were blank. So whether or not they were erased and when they were erased, they weren't able to determine

that based on their forensic expertise. That's why we sent them to two separate places.

Mr. Massie. All right.

So, another thing I wanted to ask you about. Some of Lois Lerner's cohorts had hard drives that failed, as well, during that same period of time after the investigation started or that the IRS was put on notice that they were going to be investigated.

Do these tapes -- or, could these tapes contain emails that may have been lost in the failure of those hard drives of her cohorts?

Mr. Camus. Yes. We're also looking into those, as well.

Mr. Massie. And so how many of her cohorts had hard drives that failed that you are looking for on these tapes?

Mr. Camus. I believe it ended up being a total of five individuals.

Mr. Massie. And have you found any of those emails yet?

Mr. Camus. We're still in the process of looking. And those individuals were scattered in different places, so their emails were managed out of different email servers.

Mr. Massie. Do you think you will be able to retrieve information from the -- you said you found 760, is that correct, hard drives?

Mr. Camus. That is correct.

Mr. Massie. That were in a server-type arrangement, a rack?

Mr. Camus. Yes.

Mr. Massie. Do you think it will be possible to obtain information for those, based on your interaction with experts?

Mr. Camus. It's too early to tell. If the drives are damaged beyond repair, it will be almost impossible to obtain meaningful email off of those.

Mr. Massie. All right. Thank you.

I yield back my time.

Chairman Chaffetz. I thank the gentleman.

I now recognize the gentlewoman from the Virgin Islands, Ms. Plaskett, for 5 minutes.

Ms. Plaskett. Yes, thank you, Chairman, Ranking Member.

And, gentlemen, good evening to you.

Mr. Chairman, Mr. Ranking Member, you know, I am a freshman, as well. And it is difficult for me, sitting here as a former prosecutor and a courtroom attorney, not to jump up and shout "objection" at a lot of the things that I've been hearing, which are in some instances hearsay and speculation, subjective conclusions that my colleagues are putting forward. It, quite frankly, is a little frightening for me to hear this without being able to say anything, but I'm learning, and so I will stick to how we are doing things here.

Mr. George, you made a statement that it's important to keep Congress informed. And I find it a little questionable that you would keep Congress informed of facts that in testimony Mr. Camus has stated previously changed from day to day and that may negatively impact the integrity of investigations as facts change from day to day, one day to the next -- which, as a previous investigator, I understand that you must come to the full conclusion before you put something out there

which may, in fact, change.

So, Mr. Camus, I wanted to ask you about the process that still needs to take place and that changing the narrative of investigations. I understand about the 32,000 emails which have already been produced to the committee. And how long do you anticipate, after you've finished your analysis of the emails that you have, how long will that take, please? I think you may have stated.

Mr. Camus. Yes, ma'am. We have not produced any emails to any committee yet until we're finished with the match.

Ms. Plaskett. And then after the match is done?

Mr. Camus. Yes, to the degree the committee can receive them, some may need to be redacted --

Ms. Plaskett. Correct.

Mr. Camus. -- to take out the 6103 protected information.

Ms. Plaskett. Exactly.

Mr. Camus. So we're hopeful that, as soon as we get our hands on the software and are able to put the match together, we are probably a week or two away. And then the other factors that could play into when we're finished with our investigation and are able to issue a report with findings --

Ms. Plaskett. Right. How long does it usually take you to draft a report, the final report?

Mr. Camus. We're prepared to draft a final report when all the evidence is in, probably within a week or two.

Ms. Plaskett. A week or two.

Mr. Camus. Yes, ma'am.

Ms. Plaskett. And so some of the information that you may have given tonight, if facts were asked, may in fact change?

Mr. Camus. That is correct.

Ms. Plaskett. And so we put that information out to the general public, which may in fact change.

Mr. Camus. That is correct.

Ms. Plaskett. That's a little troublesome.

And I would ask the chairman and the ranking member that we give them that time period, which, although in the scheme, the long-term scheme of how long we have been investigating, doesn't seem to me to be that much more of a wait.

Thank you.

Mr. Cummings. Would the gentlelady yield?

Ms. Plaskett. Yes. I will yield to the ranking member.

Mr. Cummings. Thank you.

You know, the question that needs to be asked here -- and I've listened to all this, but this is the question.

Mr. Camus, during your investigation, did you ask the question, why did you not have the information about the backup tapes? In other words, did you go to somebody and ask them that in IRS?

Because nobody's asked that question yet. And that seems like a logical question, since we're talking about criminal activity, and I would think that that would possibly be the basis of some of it.

Did you?

Mr. Camus. To answer your question, Mr. Cummings, without compromising the investigation --

Mr. Cummings. Right.

Mr. Camus. -- when we started our search for missing emails, we were going to leave no stone unturned and we were not going to take an obvious answer. So we were going to find and prove for ourselves whether or not email had been overwritten.

We approached the Internal Revenue Service, and we said, we need all backup tapes that would have been in place between 2008 and 2011 for Ms. Lerner. They provided the 744 tapes. We believed that we were working with the tapes that were in play and had allegedly been overwritten.

After we starting analyzing those tapes and we started seeing email that went all the way back to 2001, we believed that we had found old tapes that had been in place since 2011 in the server. Only until 2 weeks ago were we told and did we find through our investigative efforts --

Mr. Cummings. Well, that's where I'm going. But did you ask the question about that, what you discovered? Like, what happened? I mean, did you say, what's this about?

Mr. Camus. Naturally, that's probably the most important part that is left for us to investigate at this point, is to determine how and why all that happened and if there was any ill intent behind any of that.

Mr. Cummings. So you're still looking into that?

Mr. Camus. Yes, sir.

Mr. Cummings. All right. Thanks.

Chairman Chaffetz. If the gentlewoman would yield.

Is there any evidence that there was an attempt to erase any of the tapes?

Mr. Camus. At this point, I don't want to make any conclusions. I believe that some tapes were erased, but I don't have -- I'm not to the point in my investigation where I can explain that without jeopardizing my ability to --

Chairman Chaffetz. Fair enough.

Mr. Camus. -- figure out if it was done on purpose.

Chairman Chaffetz. And as the gentlewoman's time expires here, one of the reasons that we're doing this update, one of the things that causes us great concern is that, back at the Super Bowl, you know, the Super Bowl, the President is interviewed by Bill O'Reilly; he said there's not even a smidgeon of corruption here.

Nobody else has come to conclusions. We still have outstanding questions from the Department of Justice, from the Inspector General, from Congress. Somehow the President came to this conclusion. Fascinated to hear someday how in the world he thinks he can come to that conclusion without the facts.

But there is a lot of evidence, and Congress plays a role. We can't simply sit back. We are, too, also doing an investigation. And we have repeatedly -- repeatedly had the Commissioner of the IRS come here and tell us a whole variety of stories that, based on the testimony

we hear today, that ain't true. And that's why we continue to investigate.

I now recognize the gentleman from North Carolina, Mr. Meadows, for 5 minutes.

Mr. Meadows. Thank you, Mr. Chairman.

And thank each of you for being here.

I was talking to a gentleman from Kentucky the other day, Mr. Phillips, and he was asking me, well, why can't we just get all the emails from everybody else that communicated with Ms. Lois Lerner?

And I think just a few minutes ago you were saying there were five other people that were central to this investigation that we've lost their emails. Is that correct, Mr. Camus?

Mr. Camus. We were looking into a total of possibly up to seven.

Mr. Meadows. So seven potential people who, miraculously, their emails just disappeared. And so now you're looking for the backup tapes, like you have found with Ms. Lerner?

Mr. Camus. Yes. We're trying to account for every single email for every one of the individuals that would have been considered a custodian.

Mr. Meadows. Yeah. So have you found some of those at this point, or you're still in the process?

Mr. Camus. We're still in the process, sir.

Mr. Meadows. All right.

Do you find it very ironic that there would be testimony here, at that very table where you're sitting today, a number of times saying

that there are no backup tapes, they're gone, all the backup tapes, we've looked, we can't find them? Do you find that as ironic, that you were able to find them so easily? And I'm talking about your personal opinion. Do you find that ironic?

Mr. Camus. We're trained investigators, and we don't assume --

Mr. Meadows. So you don't find anything ironic.

Mr. Camus. Oh, we didn't assume anything, Mr. Meadows.

Mr. Meadows. Well, if you were sitting in my position --

Mr. Camus. Yes.

Mr. Meadows. -- or, more importantly, if you were the American people, would you believe that Congress had been misled that there was an exhaustive research for these backup tapes? Would that be a logical conclusion for me to draw?

Mr. Camus. I could certainly see how somebody could draw that conclusion.

Mr. Meadows. So you could see how the American people would think that we have been misled.

So, today, if nothing more comes out of this hearing, the hearing -- the title should be, "Congress was misled about backup tapes." Would you agree with that? Would that be an accurate title?

Mr. Camus. As an investigator, I would have to lay against and literally look at everything that's been said and put in record and then compare it to what I know as of today and, also, hopefully, complete my investigation. I would probably know much better when I'm finished.

Mr. Meadows. All right. Well, you would know much better when

you're finished as to the conclusion of that. But, certainly, as of today, we've been misled.

Do you think new information has come out from this hearing that we didn't know about prior to this hearing? How about that. That's an easier one, isn't it?

Mr. Camus. Yes.

Mr. Meadows. So we have new information today that you uncovered that you've shared with Members of Congress.

Because my colleagues over on the other side, you know -- and some of them are new. And as we go back, we must remember -- I haven't always been kind to you, Mr. George, have I?

Mr. George. You have been fair.

Mr. Meadows. Okay. Well, thank you for being gracious. But, at the same time, we will ask piercing questions on why this is done.

And so I'd like to put up a slide, because I found this very ironic and would just -- it hit when the gentlewoman across the aisle talked about June the 29th. And this is an email from June the 29th when Lois Lerner got briefed. And I didn't put those two together, but it's dated that same exact day. And it's an email from Lois Lerner that's sent to two of her colleagues. And she says, "No one will ever believe that both your hard drive and mine crashed within a week of each other. Isn't that strange?"

Would you agree that that's strange?

Mr. Camus. I would agree that --

Mr. Meadows. I would agree that it's strange.

I would think that it would be even stranger that those hard drives crashed 10 days after Lois Lerner was informed from Chairman Camp that he wanted to know what's happening with the targeting of Tea Party groups.

Wouldn't you find that strange -- or very coincidental? Let's put it that way.

Mr. Camus. I would agree with you. Very coincidental.

Mr. Meadows. So if we have that and we have all of this, what you would say as an investigator, circumstantial evidence, shouldn't we look a little bit deeper for those emails? And shouldn't we, in a bipartisan fashion, be extremely happy with the fact that you're bringing -- that you found evidence that wasn't previously available to us?

Mr. Camus. Yes.

Mr. Meadows. So you've brought evidence now, you have evidence now that may not have been intentionally withheld from you but certainly wasn't volunteered to you -- because we've had all kinds of reports. Mr. George has already given me all kinds of reports. And you know what? Those emails were missing. And they didn't even tell him that they were missing; he had to find those. And you had to find the tapes.

Wouldn't you think that we would draw some kind of a conclusion that we had been misled?

I can see my time has expired, so I'll yield back to the chairman, and I thank his patience.

Chairman Chaffetz. I thank the gentleman.

I now recognize the ranking member, the gentleman from Maryland, Mr. Cummings, for 5 minutes.

Mr. Cummings. With all due respect to my colleague, Mr. Meadows, the claims that he has made just now were given three Pinocchios by The Washington Post.

I want to enter into the record an article dated June 24, 2014, quote, "The Letter That Supposedly Led to the Crash of Lois Lerner's Hard Drive."

Chairman Chaffetz. Without objection, so ordered.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Cummings. Thank you.

Mr. George and Mr. Camus, I really want to get to the bottom of this, because, you know, Mr. George, I don't want you to -- I mean, I know some of my colleagues apparently filed something against you, a complaint, but there's some deeper stuff going on here, and I just want to understand what's happening.

In May 2013 -- and this troubles me a lot -- Mr. George, you issued your report on the treatment of tax-exempt applicants. Your report was extremely controversial because Republicans used it to argue that this was a political targeting against conservative groups.

But just a few days before you issued your report, the man sitting next to you, your deputy IG for investigations, Mr. Camus, sent an internal email to your senior staff saying that this was not political targeting.

I would like to put the email up on the screen. The email is dated May 2, 2013. And in the very first line, it says he had a conversation with you and they pulled more than 5,000 emails to see if there was any evidence of political motivation.

Then he says this, and I quote: "The emails indicated the organizations needed to be pulled because the IRS employees were not sure how to process them, not because they wanted to stall or hinder the application. There was no indication that pulling these selected applications was politically motivated," end of quote.

So, Mr. George, are you aware of this email and did you know about it at the time?

Mr. George. I am very much aware. And I really want to thank you tremendously for affording myself, as well as Mr. Camus, the opportunity to put in the right context why he wrote that email.

Mr. Cummings. All right. Well, maybe you -- let me just continue. And I'm going to get -- I want him to do that, because it is troubling.

The email also says, and I quote -- it says, "The email traffic indicated that there were unclear processing directions, and the group wanted to make sure that they had guidance on processing the applications, so they pulled them." And then it says this: "This is a very important nuance," end of quote.

Now, I'm going to give you a chance to explain it, but I just want to finish. Mr. George, your deputy inspector general for investigations called this point a very important point, and yet it's not included in your report just 2 weeks later. And why was that?

Mr. George. Sir, again, I think it would really benefit the committee to, one, get the context in which that email was drafted -- and, ironically, the staffer who made the call not to include it in the report is seated behind me, so we can give you a complete answer here.

Mr. Cummings. All right. Go ahead.

Mr. Camus. Mr. Cummings, I --

Mr. Cummings. And, by the way, I think that this is such an important point, that since the staffer isn't sworn in, if we need additional information, I'm sure that we can swear him in. I just

wanted an answer.

But go ahead. Because it is quite interesting. Go ahead.

Mr. Camus. While the audit staff was looking into the audit and finishing up their audit work, they believed that somebody had said that there was a directive email causing the selection of those applications for improper treatment. They didn't know who sent the email; they had just heard a rumor that such an email existed.

So they brought it to my office, and they asked if we would open an investigation, at which point I declined to do so because I believed the audit of the process was the appropriate treatment stream, and I had no reason to believe that there had been any criminal activity.

But I agreed to take a quick look at some of the emails of the individuals involved in pulling the applications to do a test to see if we found anything that jumped out at us that would indicate there was, in fact, criminal activity. So it was a very small sample, five individuals who were key to the whole situation. And we used keyword search terms that were provided from our audit staff.

After we pulled the emails and we searched them with those keyword search terms, we determined that, based on all the traffic that we had seen from that limited sample, that there was nothing that rose to the level for our office to open a criminal investigation at that time.

And that's why the email was drafted. It was in response to that, is there a, quote/unquote, smoking-gun email out there that would indicate that there was any type of focus? It was not a full investigation, and we did look at a very minor sample.

And that last sentence, that it's an important nuance, that was to share with the staff that, based on our quick peak of the emails that we were looking at, again, using a limited number of individuals and search terms, that there was no indication at that time, looking at that sample, that there was any indication of political motivation in that activity.

Mr. Cummings. Mr. George, what -- go ahead.

Mr. George. Yes. And I'd like to ask Gregory Kutz -- and I don't know what the protocol is, Mr. Chairman, as to whether or not --

Chairman Chaffetz. The protocol is such that we will only hear from members who have been sworn in at the committee. And in fairness to all members, we are only going to make available for public comment those that all members on this committee have had an opportunity to question.

So we will leave the answers to Mr. George and Mr. Camus. If there is an appropriate time to follow up with the individual staffers, I would welcome the minority and majority to both. But we need to leave the testimony with both Mr. George and Mr. Camus.

Mr. Cummings. Mr. Chairman, I would like a -- can I get a written response on that?

Mr. George. I was just going to ask if --

Mr. Cummings. Yeah. Give me a written response in detail. Make sure you get it to the chairman, too. Because we are bipartisan here.

Mr. George. Yes. Yeah.

Chairman Chaffetz. In the spirit of doing that, the timeframe in which you do it, in the next 2 weeks, is that fair?

Mr. Cummings. We should be able to get it this week. You know he's writing it now.

Chairman Chaffetz. He's writing it now. All right.

If he can get this to the committee in the next few days, that would be most appropriate. And we may have it before the end of the hearing.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Cummings. Thank you, Mr. Chairman.

Chairman Chaffetz. All right.

I will now recognize the gentleman from Florida, Mr. DeSantis, for 5 minutes.

Mr. DeSantis. Thank you, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that the following article be entered into the record. It responds to this Pinocchio claim about the letter that was sent by Dave Camp 10 days before Lois Lerner's hard-drive crash.

Chairman Chaffetz. This is the National Review article, June 25, 2014.

Without objection, so ordered.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. DeSantis. And it makes the point that the letter didn't specifically say "targeting conservative groups," that's true, but what it did say was that they were concerned that the IRS was targeting donors to conservative groups and (c)(4) groups. And so, either way, Lois Lerner would have been the person who would have been implicated in that.

And I think the article does a good job of showing why the Washington Post analysis was suspect.

Man, if I received a subpoena or the government asked me to produce some documents and I said, "Sorry, they're destroyed," and then it turned out someone could just walk down 10 days later and find them all, man, I'd be in a world of trouble; 300 million Americans would be in a world of trouble. And yet, here, the IRS, you know, they don't care. Commissioner Koskinen, he's been offended, almost, that we ask him questions about this stuff.

And to look back at his testimony now, with him saying over and over again that those emails were destroyed, the tapes were gone, "Sorry, guys," and then to know what was found very easily by the IG, it is stunning.

And it's very upsetting, because we're supposed to live in a republican form of government based on law, in which the people who are in positions of power are still subject to the law. And, indeed, I think people like Koskinen should have a higher standard than the average American. Instead, this is a lower standard. This type of production would never be acceptable outside of Washington, D.C. It's

very, very frustrating.

Mr. Camus, you seized the tapes July 1, 2014. Later that month, you submitted an affidavit for a case in the district court of the District of Columbia. It was the True the Vote case, and part of the issue was the production of these emails and the backup tapes.

Do you recall working with the Department of Justice on that?

Mr. Camus. I do.

Mr. DeSantis. And you submitted an -- I think you signed your affidavit on July 17, 2014?

Mr. Camus. That sounds accurate.

Mr. DeSantis. And then it was filed in the district court on July 18, 2014.

So, in between July 4 and the time you executed that affidavit, you were in contact with attorneys for the Department of Justice?

Mr. Camus. That is correct.

Mr. DeSantis. And did they ask you about the status of the backup tapes?

Mr. Camus. They asked us about the status of our efforts to recover email. I think it was a FOIA litigation, and so any emails that we uncovered would be pertinent to FOIA. So they asked for us to give them a status on did we find new emails and, if not, when we would have them from our search.

Mr. DeSantis. So did you update them that there were backup tapes filed and that you were going to look into pulling emails off those tapes?

Mr. Camus. I can't recall at that point if we knew. I don't think we saw any emails until November. So, in July, I don't believe I was aware that we were going to be able to actually see any emails.

Mr. DeSantis. So you just knew you had the backup tapes?

Mr. Camus. We knew that we had the -- when we went to the IRS and we asked for the backup tapes, I knew that they had provided 744 of the backup tapes.

Mr. DeSantis. Okay.

And you discussed the case with Joseph Sergi at the DOJ? Is that the attorney you worked with?

Mr. Camus. Yes, sir.

Mr. DeSantis. Okay.

So they filed a pleading in that case, and I think it bears the committee to follow up on that, because I'm not sure some of the representations made by the Department of Justice -- well, they're certainly not consistent with the facts as we know now, but I don't know that they are consistent with the facts as they would have known at the time. So I think that that bears investigation, and I think that the committee needs to look into it.

This is really, really frustrating me. And this has been going on now for almost 2 years -- almost 2 years. And you have somebody who's held in contempt -- oh, let me ask just really quickly.

I noticed on this brief that the U.S. attorney for the District of Columbia, Ron Machen, was listed of counsel. Have you had any interactions with U.S. Attorney Machen in this case?

Mr. Camus. No, sir.

Mr. DeSantis. Okay.

And so Lois Lerner is held in contempt. Statutes say when you're held in contempt of Congress, you're going to a grand jury at the District of Columbia in Federal district court. Nothing's happened. Nothing's happened at all. That's coming up on almost a year here in a couple of months.

And so we have a situation where I think the IRS has figured they can systematically try to thwart our efforts and there's just not going to be any consequences. And I think that needs to be change. I think the Congress needs to stand up on behalf of the American people for the truth, and I don't think we can allow this to continue to go on the way it has.

And I yield back.

Chairman Chaffetz. I thank the gentleman. Impressed with his timeliness in his questioning.

And now recognize the gentleman from North Carolina, Mr. Walker, for 5 minutes.

Mr. Walker. Thank you, Mr. Chairman.

I imagine it's tough sometimes being on the other side of the panel but do appreciate it and certainly respect your forthrightness there, for both Mr. Camus and Mr. George.

I do want to target just a little bit Mr. George.

How long have you worked in this environment, whether it be an inspector general or just overall in the government?

Mr. George. I started, believe it or not, at the age of 17 as an intern for then-Senator Bob Dole and have been working on and off in government for over almost 25 years.

Mr. Walker. Yeah. And I don't want to be too self-serving, but how would you say your record is over that time?

Mr. George. I've been told that I have a good reputation, sir.

Mr. Walker. Okay. Is there anything partisan about your meeting with the former Chairman Issa or even with the current Chairman Chaffetz, in your opinion?

Mr. George. No, only in that I was not informed in advance that there would not be representation from the minority side.

There is no question that, once this became obvious to me, that one side was holding meetings and not including the other, we immediately -- and, again, I would ask for a little bit of flexibility in the use of that word, but we did change our practice and our policies. Because there is no question that the ranking member and the chairman and others are correct; we have an obligation to report to both sides.

Mr. Walker. Right. Have they ever contacted you about having a meeting with them? And if so, do you remember?

Mr. George. I do recall getting a letter from the ranking member about complaining that they were being excluded, and that helped.

Mr. Walker. Would you have met with them if they asked?

Mr. George. Would I have met with them? Of course. And we have.

Mr. Walker. All right.

And before, I guess, this setting that we're facing with right now, particularly in this whole hearing, have you ever been accused of being partisan before in your time?

Mr. George. Never.

Mr. Walker. Okay.

Why do you think you're the target of that? The feeling that I'm getting tonight is that, rather than the IRS and some of these issues, that you guys are sort of, kind of, a target. In your opinion, why do you think that is?

Mr. George. As one of the Congressmen mentioned, this is very difficult situation, and it's unprecedented for my organization and for me in my professional career to have had this type of interaction and level of attention, sir, to an issue that is of extreme importance to the American people.

The Internal Revenue Service is the revenue-gathering entity of the most important Nation in the world. We have a voluntary compliance system. People have to have trust in that system. And this issue raised questions about trust.

Mr. Walker. Most definitely, it does. In fact, tonight I've heard, and I guess in respect, in describing you, I've heard the words, "questionable," "partisan," you're "under investigation."

In May of 2012, from my understanding, there was nearly a year that goes by before you were even reporting publicly. To me, if you were truly partisan, would you not, in the 2012 elections, have said something or done something outwardly that would have made their case?

Mr. George. We would have done whatever the law requires. And, again, we have had an extraordinary reputation, sir, "we" being at TIGTA -- and, really, forgive me for taking your time, but the men and women who work for me are some of the most topnotch Federal workers I have ever interacted with. And they are doing yeoman's work here, putting in literally 24 hours a day on this very issue, some of them.

So, you know, we would have reported what the law required us to report and would not have reported what was inappropriate at that time.

Mr. Walker. Sure.

And being new here, it's important for me to make sure the people that are in the panel are rock-solid, they are not partisan. And I believe everybody in the room would agree with that. But I will tell you, I can hear even from your voice and your heart and your passion, I have a lot of confidence that you are doing the right job. Thank you for your work, and Mr. Camus.

I yield back.

Chairman Chaffetz. I thank the gentleman.

I now recognize the gentleman, Mr. Carter from Georgia, for 5 minutes.

Mr. Carter. Thank you, Mr. Chairman.

And thank you all for being here. The hour is late. I know, if you're like me, you're tired. But let me, again, thank you for being here, and thank you specifically -- it's never been the question in my mind whether or not it was -- that it was duplicate material that you found, but, instead, the point is you found it.

So I want to talk about that specifically. What prompted you -- were you asked to look for it?

Mr. Camus. Yes, sir. By letter from Senate Finance Committee, they specifically asked us to recover any emails that we possibly could.

Mr. Carter. Okay. So that's what was the impetus for you to start looking for it.

Mr. Camus. Correct.

Mr. Carter. And you found it, as you testified, in, what, 15 days?

Mr. Camus. Yes. What we found were -- and it's important to note that what we found were a population of emails that were relevant to the investigation, but we have yet to determine, until we do the match, whether or not it's new email.

Mr. Carter. But the point still remains is that you found emails that we have been -- that previous testimony had said that were lost and couldn't be found. That is the point, correct?

Mr. Camus. We believe we did find some unique emails, but we won't --

Mr. Carter. Okay.

Mr. Camus. We won't know that until --

Mr. Carter. I understand. I understand. I'm with you on that.

All right. I want to talk about standard operating policy, which -- I'm in business, so that's important to me, that we are following SOP and best practices. I mean, all of that type of thing is very important.

Where the emails were being stored, was it in somewhat of a unique place? Or was it standard, that you would expect for them to be here?

Mr. Camus. The 744 tapes that we initially obtained on July 1 were in the backup system of the IRS Microsoft Exchange Server. So they were right where you would expect them to be.

Mr. Carter. Right where you would expect them to be.

Mr. Camus. And when we demanded them to fit that period, that's what was supplied to us. Only until 2 weeks later do we find out -- or only until 2 weeks ago do we find out that probably the tapes that we are actually looking for we were never told about, if that makes sense.

Mr. Carter. Anyway. Let me ask you this. When someone's hard drive crashes, who do they report it to? I mean, obviously, you had to have a new computer, right?

Mr. Camus. Correct.

Mr. Carter. You had to put in a requisition that, hey, my hard drive has crashed, I got to have a new -- was that done?

Mr. Camus. Yes, it was.

Mr. Carter. So everything was followed, right procedures. And that matches the timeframe with which Ms. Lerner is saying that her hard drive did indeed crash?

Mr. Camus. Yeah, I think the gentlelady asked earlier the date that her hard drive actually crashed. We believe it was June 11, 2011. It was reported on June 13, 2011, to the IT department.

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[9:42 p.m.]

Mr. Carter. Okay. So nothing unusual in that respect.

Mr. Camus. Correct.

Mr. Carter. Okay.

I also heard testimony that more than one hard drive had crashed and that it was -- isn't that kind of unusual? I mean, all of a sudden, you've got a slew of hard drives crashing right around here.

Mr. Camus. Yeah, I can't comment on that right now, but we will probably take a look to see if that particular type of machinery, you know, the type of hard drives that they were, were susceptible to multiple crashes. But there were individuals that were in Ms. Lerner's business unit and that were involved in this case that had suffered hard-drive crashes about the same time.

Mr. Carter. Again, just coincidence, I'm sure.

But, nevertheless, again, thank you for being here tonight. Thank you for reporting this and for finding this. You know, I would congratulate you on being great inspectors and detectives, but it sounds like all you did was ask the right question.

Mr. Camus. We are paid to ask good questions, sir.

Mr. Carter. Great. Thank you.

And I yield back, Mr. Chairman.

Chairman Chaffetz. Thank the gentleman.

We now recognize the gentleman from Wisconsin, Mr. Grothman, for 5 minutes.

Mr. Grothman. Okay. I think some of these questions may be a followup from what was asked before. They're really for Mr. Camus, but we'll go through them again.

Commissioner Koskinen testified that he had confirmed that Ms. Lerner's emails were unrecoverable. Have you had any findings so far regarding what the IRS did to confirm that information, that he would use the word that he had "confirmed" it?

Mr. Camus. What I know is what I've seen in documents that were provided, and, also, the other half of the equation that I know is what we were told when we attempted to recover the emails.

Mr. Grothman. Okay. So did they give you any idea as to why they would say it was confirmed, other than just wanting it to be confirmed?

Mr. Camus. The only thing I could -- that I could say is what we did was we didn't make any assumptions. We went and we questioned people who would have the material, and we ran it to the ground ourselves.

Mr. Grothman. Yeah, I know you did. But the question is, why would Commissioner Koskinen make that statement? Do you, in your investigation, see any reason why he would have made that statement?

Mr. Camus. I don't know that. But we are continuing investigating that.

Mr. Grothman. Okay.

Commissioner Koskinen testified before Congress that the

backup-tape emails were unrecoverable. Okay, that's what he said. Do you know why he would've said that? Or would that have been an accurate statement?

Mr. Camus. He could possibly believe that to be accurate, because they may not have looked as hard as we did.

Mr. Grothman. Okay. Did they give you any clue as to how hard he looked, or do you know why he would have made that statement?

Mr. Camus. I don't know why he would make that statement. But I can tell you that, when we started our search, we asked the people that we were interviewing if anybody else had asked them to do the same type of the search that we had, and they said no.

Mr. Grothman. Okay. So you don't even know -- based on your investigation, you did not unturn anything -- or overturn anything that would indicate that they had made anything, any real investigation that you could determine.

Mr. Camus. So far, we haven't seen that, but we're not finished with our investigation yet, sir.

Mr. Grothman. Okay. Thanks.

I'll yield the rest of my time.

Chairman Chaffetz. Thank the gentleman.

Recognize the gentleman from Alabama, Mr. Palmer, for 5 minutes.

Mr. Palmer. I'm the guy you're looking for, the last one, I guess.

Mr. Camus, back in 2010 -- well, I guess it may have been 2013, information came out that indicated that Ms. Lerner had contacted the

Department of Justice regarding the possibility of pursuing a criminal investigation into election crimes targeting 501(c)(4) organizations.

Do you know if any of the tapes contain the emails that would cover that?

Mr. Camus. I don't know that at this time, sir.

Mr. Palmer. If that were in there -- and I know this is a supposition, a hypothetical -- but if it were in there, would that indicate an animus toward those groups, particularly in regard to what we believe was going on, denying certain 501(c)(4) organizations the tax status that they were seeking?

Mr. Camus. There could be emails that we uncover that do indicate that type of behavior, but until we get to the point where we find unique emails, it's hard to speculate.

Mr. Palmer. I believe I should direct this to Mr. George. If not, Mr. Camus, you can answer it.

But the timeline that's been referenced repeatedly tonight, that was based on the initial evidence that you got, the initial emails. Would it be possible that the timeline could change based on new evidence?

Mr. George. Yes.

Mr. Palmer. Okay.

We had several members of the -- several inspector generals in before this committee a few weeks ago, and the hearing revolved around the fact that this administration had not always been forthcoming, various agencies not always been forthcoming with documents.

Is there any indication that evidence or documents may have been withheld? In your investigation, have you had that problem?

Mr. Camus. As we're not complete with our investigation yet, I can't draw a conclusion that anything has been withheld from us.

Mr. George. And --

Mr. Palmer. I just want -- go ahead, Mr. George.

Mr. George. Yes, sir. I was just going to add, too, that is the unique role that we have, we as IGs have, with the agencies that we oversee. Because if you don't ask the right questions and -- you have some authority to subpoena certain things, but you can't force someone to speak to you, as of now. So it would be easy for an agency to fail to provide information if you don't pose the right question.

Now, there is a proposal out there, I understand, that would change that and would give IGs additional authority. But, as Tim indicated, he could not give you a definitive answer at this stage.

Mr. Palmer. Well, I have to wonder -- obviously, the big issue is the supposedly erased emails or lost emails -- but why the IRS didn't inform Congress sooner that they may have had the tapes that had the information on it and then whether or not they were forthcoming to the inspector general's office. Because I would assume that you were asking those questions.

Mr. Camus. That is correct. And we will include that in our investigation.

Mr. Palmer. My last question is -- you mentioned seven individuals that -- I'm not sure if it was you that mentioned it or

Mr. Meadows or Mr. DeSantis, and it is getting late -- that there were seven other individuals who may have missing emails, as well, that were in that communication circle.

My question is, have you talked with them?

Mr. Camus. We've included them in our investigation.

Mr. Palmer. Have they secured counsel?

Mr. Camus. I do not know that, sir.

Mr. Palmer. Okay.

Thank you, Mr. Chairman.

Chairman Chaffetz. I thank the gentleman.

Now recognize the gentleman from Maryland, the ranking member, Mr. Cummings.

Mr. Cummings. Mr. George and Mr. Camus, we've spent a lot of time on the conservative groups, and I want to go to -- I mean, I'm concerned about the conservative groups, but I'm also concerned about the progressive groups. And I want to ask you about the status of your investigation, the one reviewing how progressive groups are treated.

The report you issued in 2013, Mr. George, did not address progressive groups. When you testified here on May 23, 2013, we asked why you did not evaluate progressive groups, and you said this, and I quote: "Because those groups did not have the Be on the Lookout terms "Tea Party," "Patriot," or "9/12" in their names," end of quote.

When we asked about specific reports that progressive groups were treated similarly to Tea party groups, you said this, and I quote: "I have subsequently received information that you're indicating may have

occurred. And, as a result, we will be conducting a followup review to determine whether or not that is the case and, if so, the extent of it."

Do you remember that?

Mr. George. I do, sir.

Mr. Cummings. And when you came before us on July 18, 2013, we showed you internal documents indicating that progressive groups were subjected to similar types of scrutiny and they were also included in the training materials for the Be on the Lookout list.

In response, you said this, and I quote: "We, just as recently as last week, received new information that is disturbing and that we need to pursue," end of quote.

Do you remember that?

Mr. George. I -- yes, I vaguely recall that, sir.

Mr. Cummings. So that was more than a year and a half ago, when you said you were going to do a new investigation to determine how progressive groups were treated. Can you tell us where that investigation stands today?

Mr. George. Yes.

What I can say is -- and just to make sure that everything is clear, the IRS had different Be on the Lookout lists. And the list that we were initially charged with looking at was not a list that included -- was a list that included the "Tea Party," "9/12," "Patriot" groups.

There was one tab, and people, for some reason -- and I can

understand why, because it wasn't focused on. There was a footnote in the original audit report that indicated that there were groups other than, quote/unquote, "conservative" groups, but that was not the purpose of this review.

And subsequent to all of that, with everything that's developed, I, at the request of Members of Congress, made a commitment that we would review the handling, the treatment of, quote/unquote, "progressive" groups by the IRS.

So we are right now in the process of reviewing 17 other search criteria, including "progressive," going back to 2004. And both majority and minority staffs have been briefed on this. And the timing is -- okay.

Apparently, all of this is tied in -- and I was just informed, until the DOJ investigation is concluded, we won't have access to certain witnesses that are necessary to be interviewed, as it relates to this new review.

Mr. Cummings. So you -- there -- have any witnesses been interviewed with regard to the progressive groups?

Mr. George. Well, we're reviewing 600 cases, and so -- have witnesses been interviewed?

Not yet. Not yet.

Mr. Cummings. And --

Mr. George. We've identified 600 cases that we are going to look at, but we're stifled, we're stymied by the lack of conclusion of the FBI/Justice Department --

Mr. Cummings. Now, I assume you've reviewed some documents with regard to the progressive groups. I guess you had to do that just to determine that there are witnesses that you needed to talk to, right?

Mr. George. That's true. Yes, I've just been --

Mr. Cummings. Do you know how many pages you've looked at or --

Mr. George. What's this?

Mr. Cummings. Do you know how many pages of documents you've looked at with regard to progressive groups?

Mr. George. We do not know the answer to that, sir.

Mr. Cummings. So you can't -- it's hard for you to give us any idea as to when the progressive-group investigation will be complete; is that right?

Mr. George. You know, generally, a review takes a year, sir, but given the importance of this matter, we'll put it on a fast track. But I cannot give you a time commitment at this stage.

Mr. Cummings. But it seems like you don't even have control over it, because you said something about the other investigation going on.

Mr. George. And that's part of the problem. We have absolutely no control over when the Justice Department will, you know, conclude their review so that we can have unfettered access to witnesses -- unless you have information that I don't have?

All right. That's the latest, sir.

Mr. Cummings. Thank you very much.

Mr. George. Mr. Chairman, I'm sorry to interrupt you, but I have that information in response to Mr. Cummings.

Chairman Chaffetz. We're about to conclude this hearing. If you could come up and hand it to him, I think that would be very appropriate.

Mr. George. Deal.

Chairman Chaffetz. Thank you.

Listen, the hour's late. I appreciate the staff who's staying here working late, other Members that are here.

And, certainly, we appreciate you and your testimony here. The work that you do within your organization is vital. It's important to Congress. Please let the men and women who work so hard day-in and day-out know that it is appreciated, it is needed, we do pay attention to it. And we thank them for their good, hard work.

This committee stands adjourned.

[Whereupon, at 9:56 p.m., the committee was adjourned.]